Associate Director Environment Operations, Customer, & Place Making
Sydney Metro
PO Box K659
Haymarket NSW 1240

Dear Mr Armstrong

Aboriginal Cultural Heritage Construction Environmental Management Plan (CEMP)

I write to notify you that, in accordance with Condition 39 of the Airport Plan, I have today approved the Aboriginal Cultural Heritage CEMP (Rev 5) submitted by Sydney Metro on 18 February 2022. This follows my recent approval of the Construction (Rail) Plan. Thank you for Sydney Metro's engagement with the department over the last few months as these plans were developed.

Now that the Aboriginal Cultural Heritage CEMP has been approved Sydney Metro is required:

a. To take reasonable steps to ensure that each person involved in carrying out a development that is part of the Rail Development is informed of, and complies with, the approved Aboriginal Cultural Heritage CEMP (Condition 45(3) of the Airport Plan).

b. To maintain accurate records demonstrating implementation of, and compliance with, the approved Aboriginal Cultural Heritage CEMP, and other applicable conditions contained in Section 3.11.6 of the Airport Plan. Records must be made available to the Infrastructure Department on request (Condition 46 of the Airport Plan).

c. To publish information in a report about its compliance with the conditions set out in section 3.11.6 of the Airport Plan (Rail Conditions) and its implementation of the approved Aboriginal Cultural Heritage CEMP (Condition 47 of the Airport Plan).

d. To ensure that an independent audit of its compliance with the conditions set out in section 3.11.6 (except Condition 44) and condition 46 of the Airport Plan (Rail Conditions) is conducted, by an approved independent auditor, in respect of the 12-month period commencing with commencement of Rail Construction Works. The independent audit report must be submitted to the Infrastructure Department, with a copy provided to the Environment Department, within six months of the end of the period in respect of which the audit was conducted (Condition 48 of the Airport Plan).

e. Unless otherwise agreed by an Approver, to publish the approved Aboriginal Cultural Heritage CEMP on its website (Condition 50 of the Airport Plan).

If you have any queries in relation to this letter, please do not hesitate to contact me.

Yours sincerely

David Jansen
Assistant Secretary
Western Sydney Airport Regulatory Policy Branch

/ 6   March 2022

Sydney Metro Western Sydney Airport
Aboriginal Cultural Heritage Construction Environmental Management Plan

Sydney Metro Integrated Management System (IMS)

Applicable to:	Airport Rail Development
Document Owner:	Sydney Metro
System Owner:	-
Status:	Final
Version:	Rev05
Date of issue:	18 February 2022
Review date:	-
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Document Control

Title	Sydney Metro Western Sydney Airport
	Aboriginal Cultural Heritage Construction Environmental Management Plan
Document No/Ref	SM-21-00033333

Version Control

Revision	Date	Description
01	18 March 2021	Draft for Tender
02	15 August 2021	Draft for WSA review
03	1 November 2021	Issued for DITRDC
04	25 January 2022	Final for DITRDC
05	18 February 2022	Final

Terms and Definitions

Terms	Definitions
AARD	Archaeological Assessment and Research Design report
AEPR	Airports (Environment Protection) Regulations 1997
AEW	Advanced and Enabling Works
ACHCEMP	Aboriginal Cultural Heritage Construction Environmental Management Plan
Airport	Western Sydney International (Nancy-Bird Walton) Airport (WSI) located at the Airport Site. Note: The Airport is referred to in the Act as Sydney West Airport and is commonly known as Western Sydney International (Nancy-Bird Walton) Airport
Airport Lease	An airport lease for the Airport granted under section 13 of the Act
Airport Lessee Company	The company that is granted a lease over the Airport Site
Airport Plan	Means the September 2021 approved Airport Plan which includes the Variation for the SM-WSA Rail Development on the WSI airport and which otherwise means airport plan for the Airport Site as determined by the Infrastructure Minister under section 96B of the Airports Act in December 2016 as varied from time to time in accordance with the Airports Act.
Airport Site	The site for Sydney West Airport as defined by the Airports Act.
AS	Australian Standard
CCS	Community Communication Strategy
CEMF	Construction Environmental Management Framework
CEMP	Construction Environmental Management Plan
CIZ	Construction Impact Zone
CNVIS	Construction Noise and Vibration Impact Statement
CoA	Conditions of Approval
CSSI	Critical State Significant Infrastructure
Cth	Commonwealth
DAWE	Department of Agriculture, Water and the Environment (Cth)
DECC	NSW Department of Environment and Climate Change
DITRDC	Department of Infrastructure, Transport, Regional Development and Communications
DPIE	Department of Planning, Industry and Environment
ECM	Environmental Control Map
ECZ	Environmental Conservation Zone
EESG	NSW Environment, Energy and Science Group (formerly OEH)
EIS	Environmental Impact Statement
EP&A Act	*Environment Planning and Assessment Act 1979 (NSW)*
EPA	NSW Environment Protection Authority
EPBC Act	*Environment Protection and Conservation Act 1999 (Cth)*
EPL	Environment Protection Licence under the POEO Act
EPO	Environmental Performance Outcome

Terms	Definitions
ER	Environmental Representative
EWMS	Environmental Works Method Statement
E&SMS	Environment and Sustainability Management System
HMP	Heritage Management Plan
ICNG	Interim Construction Noise Guideline
IMS	Sydney Metro Integrated Management System
Infrastructure Department	The department responsible for administering the Airports Act, currently the Australian Government Department of Infrastructure, Transport Regional Development and Communications (DITRDC)
ISO	International Standardization Organisation
KPI	Key Performance Indicator
OCCS	Overarching Community Communication Strategy
OEH	NSW Office of Environment and Heritage (formerly DECC)
POEO Act	*Protection of the Environment Operations Act 1997* (NSW)
Preparatory Activities	Preparatory Activities mean the following: a.　　day to day site and property management activities; b.　　site investigations, surveys (including dilapidation surveys), monitoring, and related works (e.g. geotechnical or other investigative drilling, excavation, or salvage); c.　　establishing construction work sites, site offices, plant and equipment, and related site mobilisation activities (including access points, access tracks and other minor access works, and safety and security measures such as fencing but excluding bulk earthworks); d.　　enabling preparatory activities such as: i.　　demolition or relocation of existing structures (including buildings, services, utilities and roads); ii.　　the disinterment of human remains located in grave sites identified in the European and other heritage technical report in volume 4 of the EIS; and iii.　　application of environmental impact mitigation measures; and e.　　any other activities which an Approver determines are Preparatory Activities for this definition
Project	The Sydney Metro Western Sydney Airport Construction and operation as approved by the EPBC and Airport Plan as the Action or Rail Development within the Rail Construction Impact Zone on-airport, being the WSI airport, in agreeance with the Deed between SM-WSA and WSA Co.
Proponent	The person or organisation identified as the proponent in Schedule 1 of the planning approval. In this case Sydney Metro Authority
RCIZ	Rail Construction Impact Zone
REMM	Revised Environmental Mitigation Measure
RMS	NSW Roads and Maritime Services
SBT	Station Boxes and Tunnelling Works
SCAW	Surface and Civil Alignment Works
SCO	Sydney Coordination Office
SEMF	Site Environmental Management Framework

Terms	Definitions
Site Occupier	Site Occupier means: (a) before an Airport Lease is granted – the Commonwealth; and Note: Where a condition specifies an activity to be carried out by the Commonwealth, the Infrastructure Department will be responsible for carrying out the activity on behalf of the Commonwealth (unless stated otherwise). (b) after an Airport Lease is granted – the ALC.
SM	Sydney Metro
SM - WSA	Sydney Metro - Western Sydney Airport
SM - WSA EIA	SMWSA EPBC Act Final Environmental Impact Assessment of On-airport proposed action (EPBC 2019/8541)
SMP	Sustainability Management Plan
SSI	State Significant Infrastructure
SSTOM	Stations, Systems, Trains, Operations & Maintenance
SWMS	Safe Works Method Statement
TfNSW	Transport for New South Wales
The Act	Airports Act 1996 (Cth) (Airports Act)
WSA	Western Sydney Airport Co
WSI airport	Western Sydney International (Nancy-Bird Walton) (WSI) Airport

1.   Introduction

1.1.   Sydney Metro

Sydney Metro is Australia's biggest public transport project. Services between Rouse Hill and Chatswood started in May 2019 on the new stand-alone metro railway system. The Sydney Metro network and program of work includes the Metro North West Line (which opened in May 2019), Sydney Metro City & Southwest (which is currently under construction and due to open in 2024), Sydney Metro West (with construction due to start in 2020) and Sydney Metro – Western Sydney Airport (SM – WSA) (Project). Potential future extensions to Schofields/Tallawong in Rouse Hill in the north and to Macarthur in the south are under consideration and are being safeguarded but do not form part of the Project.

The Project is shown in Figure 1-1 and would become the transport spine for Greater Western Sydney, connecting communities and travellers with the new Western Sydney International (Nancy-Bird Walton) Airport (referred to as Western Sydney International) (WSI airport) and the growing region.

The Project is being delivered under the Western Sydney City Deal, a partnership between the NSW Government, Australian Government and eight councils of the Western Parkland City. The NSW and Australian Governments have a shared objective of having the rail line operational when WSI airport is planned to open for passenger services.

The new railway line will service Greater Western Sydney and the new WSI airport. It will become the transport spine for the Western Parkland City's growth for generations to come, connecting communities and travellers with the rest of Sydney's public transport system with a fast, safe and easy metro service. The Project will link residential areas with job hubs from St Marys through to the new airport and the Western Sydney Aerotropolis.

It will provide a major economic stimulus for Western Sydney, supporting more than 14,000 jobs during construction for the NSW and national economies, including more than 250 new apprenticeships. The Project comprises components that are located outside WSI airport (off-airport) and components that are located within WSI airport (on-airport).

The approval process for the off-airport and on-airport components of the project are different and are outlined below. One outcome of the on-airport approval is that a condition of working on the WSI airport site will require the Project to produce and have approved, a series of Construction Environmental Management Plans (CEMP) prior to the SM - WSA commencing construction on-airport. This Aboriginal Cultural Heritage CEMP (ACHCEMP) is one of a series of nine CEMPs for the Project which will be consistent with the WSI airport CEMPs and address all on-airport environmental components of the Project.
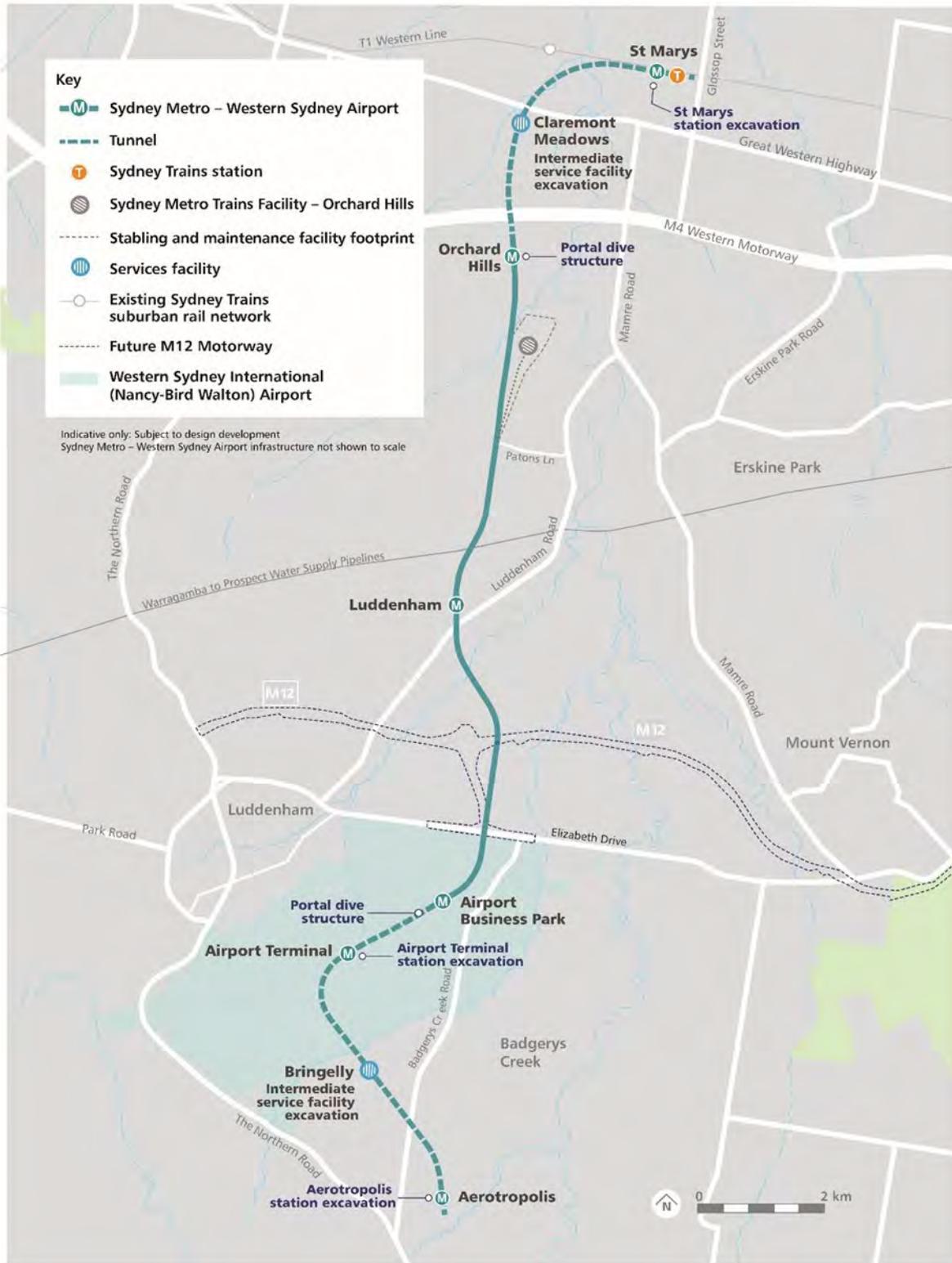
Figure 1-1 Sydney Metro network

SMWSA ACH CEMP_F_Feb 22

1.2.   Sydney Metro Western Sydney Airport

The Western Sydney Airport Plan sets out the vision for the development and operation of Western Sydney International and provides authorisation for Stage 1 of the airport. The construction of Stage 1 of the airport is expected to be completed to enable operations to commence in 2026 and will comprise a single runway, a terminal and other relevant facilities to accommodate around 10 million passengers annually as well as air freight traffic. Interface with Western Sydney International Rail access to Western Sydney International Airport will contribute to the success of the airport and the Western Parkland City, as it would facilitate passengers' and workers' journeys, reduce road congestion and support the economic viability of the airport.

The Project is proposed to enter the WSI airport site from the north and would include the Airport Business Park Stations and the Airport Terminal Station. The rail line will travel through the airport, before exiting the airport site beneath Badgerys. Sydney Metro has been, and will continue, working closely with WSI airport to ensure design development and Construction (Rail) Planning of the Project is coordinated with the construction and operation of WSI airport.

1.3.   Background/Context

The Airport Plan for the WSI airport was determined in December 2016, following preparation and exhibition of an Environmental Impact Statement (EIS), and incorporates the conditions specified by the Commonwealth Environment Minister. The delivery of the Project on the WSI airport site has been authorised through a variation of the Airport Plan by the Commonwealth Infrastructure Minister, taking into account advice from the Commonwealth Environment Minister.

In September 2019, the Commonwealth Infrastructure Minister referred the on-airport components of the Project to the Commonwealth Environment Minister. In December 2019, the delegate of the Commonwealth Environment Minister decided that advice is required under section 160 of the EPBC Act as the proposed action is likely to have a significant impact on the environment and will require further assessment (EPBC 2019/8541). The following documents were prepared as part of the SMWSA EIA, to respond to the Request for Further Information, and were published, in accordance with the Direction to Publish, from 21 October to 18 November 2020:

•   SMWSA EPBC Act Final Environmental Impact Assessment of On-airport proposed action (EPBC 2019/8541)
•   SMWSA EIA Appendix F: Construction Environmental Management Framework.

An EPBC Act Final Environmental Impact Assessment of on-airport proposed action (EPBC 2019/8541) was approved by the Commonwealth Department of Agriculture, Water and the Environment (DAWE) and formed part of the conditions of the Airport Plan Variation which was lodged with the Infrastructure Department and approved by the Commonwealth Environment Minister.

After considering the final environmental assessment and variation to the Airport Plan, the Commonwealth Environment Minister provided advice to the Commonwealth Infrastructure Minister. WSA submitted a formal application to the Commonwealth Infrastructure Minister to vary the Airport Plan who approved the variation to the Airport Plan in September 2021.

This ACHCEMP (this Plan) has been prepared to satisfy the requirements of the ACHCEMP set out in the Conditions for the Project of the Western Sydney International (Nancy-Bird Walton) (WSI airport) Airport detailed in Section 3.11.6 of the Airport Plan. Condition 39 (2(f)) of the Airport Plan requires that a Sydney Metro Aboriginal Cultural Heritage CEMP be approved under the Airport Plan prior to the commencement of Main Construction Works.

This ACHCEMP provides the management approach and requirements (including environmental mitigation measures, controls, monitoring and reporting) for managing Aboriginal related matters during construction of the Project. This Plan forms one of nine CEMPs which are collectively covered by the Sydney Metro Construction Environmental Management Framework (SM CEMF). To ensure the environmental resources, responsibilities and management measures are implemented during the construction activities, the SM CEMF will be included within the Sydney Metro Construction (Rail) Plan.

The integration of the WSA CEMPs with the SMWSA CEMPs is required to meet the requirements of the Project within the areas of WSA CIZ (Stage 1) which will be required for the continuation of the SCAW component of the Project, the TBM launch site, and the construction of the metro station precincts at International Terminal and Airport Business Park.

The implementation of the Sydney Metro Construction (Rail) Plan and the CEMF are aligned with Project level management plans including the Community Communications Strategy and the Sustainability Plan as illustrated in Figure 1-2.

The Sydney Metro Construction (Rail) Plan, including the SM CEMF and nine CEMPs provide the environmental management approach and requirements and therefore should not be read in isolation to each other due to interconnecting management outcomes and objectives. Specifically, for the ACHCEMP, it is considered that the following management plan linkages can be made:

- Biodiversity CEMP – For example: The management of the Environment Conservation Zone (EC) and the protection and conservation of known and predicted Aboriginal heritage sites within the EC that need to be managed for their cultural heritage values.
- Soil and Water CEMP – Salvage practices of wet sieving will need ESCP to control sedimentation and Topsoil management.
- Visual and Landscape CEMP – Aboriginal Cultural heritage values may be potentially impacted by changes in visual amenity and landscaping.
- Community Communications Strategy – The Aboriginal Stakeholder Consultation and Engagement Plan has been developed in conjunction with this broader plan recognising that Aboriginal stakeholders are a key stakeholder group within the Western Sydney community and that stakeholders are highly engaged and involved in the management or Aboriginal Cultural Heritage values on the Sydney Metro site.
- Sustainability Plan – Management of Aboriginal Cultural heritage values relates to the general health, wellbeing, employment and quality of life for surrounding communities.

Where relevant, linkages to other CEMPs and management objectives have been included in the risk assessment and the environmental control measures in Section 6 and 7 of this CEMP respectively.

This Plan is to be read in conjunction with the Sydney Metro Construction (Rail) Plan and any relevant CEMP documents as indicated in Table 1-1 below, which highlights relationships and linkages of this AHCEMP with other CEMPs and management plans within the environmental management framework, including key cross-referencing to Airport Plan and Sydney Metro Western Sydney Airport (SMWSA) EIS requirements.

Table 1-1 Aboriginal Cultural Heritage CEMP relationship with other CEMP documentation

CEMP	Airport Plan (3.11.6)	SMWSA EIA Table 8-1: On-airport environmental management framework requirements and Table 8-2 Performance outcomes	SMWSA EIA Table 8-3: Mitigation measures
Aboriginal Cultural Heritage	39 2(f)	CEMF5	AH8
Air quality	39 2(e)	CEMF10	AQ1-3
Biodiversity	39 2(b)	CEMF6	FF1, FF3, FF5 FF6 FF9-11 HR2
Community Communications Strategy	40	N/A	
European and other heritage	39 2(g)	CEMF5	NAH9
Noise and vibration	39 2(a)	CEMF4	NV1
Soil and water	39 2(c)	CEMF3 CEMF8	HYD1, WQ1-2, GW4-6 SC1, SC5-9, SC11 HR1, HR3
Sustainability plan	41	N/A	SUS1-3 GHG1
Traffic and access	39 2(d)	CTMF2	T1, T3, T4, T6
Visual landscape	39 2(i)	CEMF7	LV1-3
Waste and resources	39 2(h)	CEMF9 CEMF11	WR1-3

Key
Moderate to high relevance to this CEMP
Some relevance to this CEMP

1.4. Document purpose

The purpose of this Plan is to minimise the disturbance or loss of Aboriginal cultural values related to the Sydney Metro site and to provide for consultation and engagement with Aboriginal stakeholders on the management of Aboriginal cultural heritage in accordance with the Airport Plan requirements (including cultural heritage mitigation measures, controls, monitoring and reporting) during the construction phase of the Project.

This Plan details the Aboriginal cultural heritage management requirements that must be addressed in order to demonstrate compliance with Condition 11 (1), (2) and (3) of Section 3.11.2 of the Airport Plan for the construction of the Project of the Western Sydney Airport.

Legal and other requirements are identified and maintained in a register within the SM CEMF (refer to CEMF Chapter 2 – Appendix C of the SEMF). Mitigation measures specific to Aboriginal Cultural Heritage required to satisfy these requirements are derived from the SMWSA EIA Chapter 27 Table 27-5, and through risk assessment processes (refer to the SMWSA EIS Chapter 26) and included within this CEMP (refer to Section 7).

Implementation of these measures is ensured through monitoring of control measures by Sydney Metro, consultation and engagement with Aboriginal stakeholders, survey and salvage programs (including participation of Aboriginal stakeholders), training and competence, inspection, audit and reporting actions detailed in Sections 10 and 11. Responsibilities for implementation is identified in Section 9.

Continual improvement processes in relation to compliance and Environment and Sustainability Management Systems are detailed in the Sydney Metro CEMF Section 3.18 (Section 10 of SEMF).

In summary, this Plan sets out to achieve the following:
- Provision of details for the management and mitigation measures to be implemented, including timing and responsibilities.
- Ensuring the commitments of the Conditions (as set out in the Airport Plan) and regulatory requirements are met and satisfied by both Sydney Metro and contractors.
- Provision of process for monitoring implementation, reporting, and auditing of Aboriginal cultural heritage management and compliance related issues.
- Commitment to meeting the requirements of AS/NZS ISO 14001:2016 Environmental Management Systems including the need for continual improvement.
- Provision of a process to be implemented for the management of complaints, for stakeholder engagement, and for the management of emerging cultural heritage and related Aboriginal stakeholder issues as they arise.
- Provision of a system including procedures, plans and documentation for implementation by Sydney Metro personnel and contractors to enable project completion in accordance with the environmental requirements.

Effective implementation of this Plan will assist Sydney Metro and relevant contractors to achieve compliance with necessary environmental regulatory and policy requirements in a systematic manner with an outcome of continual environmental management performance.

1.5. Consistency

A major requirement of these plans is for Sydney Metro to maintain consistency with the already approved WSA CEMPs. This consistency requirement results in SM not needing to undertake consultation as is the requirement of WSA for their plans.

SM approached the development of these plans to meet the requirements of the Airport Plan, ensure compliance with Tables 8-1, 8-2 and 8-3 of the EPBC 2019/8541 and remain consistent with the WSA CEMPs.

SM have achieved this consistency through the following:

- Consistent format

- Consistent language

- Consistent existing environment with the addition of the SM – WSA RCIZ existing environment

- Consistent aspects and impacts but removing those not applicable and adding specific SM – WSA aspects and impacts

- Consistent risk assessment but removing those not applicable and adding specific SM – WSA risks

- Consistent mitigation measures but removing those not applicable and adding SM – WSA specific mitigation measures

- Consistent monitoring with the addition of any SM – WSA specific monitoring requirements

- Consistent auditing and reporting

- References to SEMF replaced with consistent CEMF requirements.

1.6.   Sydney Metro environmental management system overview

Sydney Metro operates in general accordance with AS/NZS ISO 14001 – Environmental management systems. A copy of the Sydney Metro environmental policy is provided in Appendix A of the CEMF.

The Project will be undertaken in accordance with the Sydney Metro Construction (Rail) Plan, including the SM CEMF and the associated CEMPs (including this Plan).
The SM CEMF will form an appendix to the Construction (Rail) Plan and is the overarching environmental plan for the implementation of the nine CEMPs. It provides a structured and systematic approach to environmental management and provides Sydney Metro's expectation and guidance with regards to environmental management for the overall construction of the Project

The structure of the environmental management system for the Project is shown in Figure 1-2.
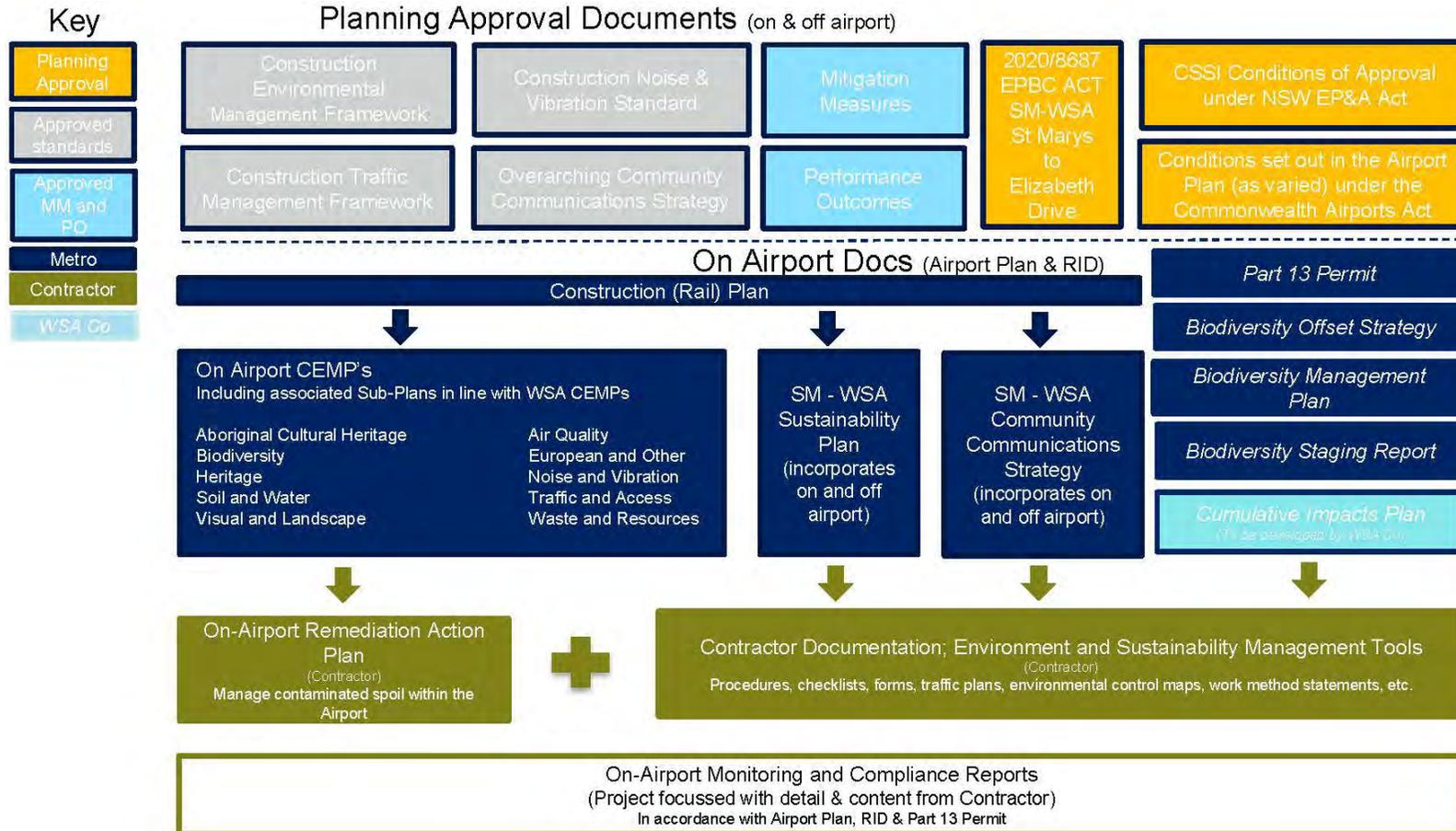
Figure 1-2 SMWSA Environmental Management System and CEMP context

1.7.   Consultation requirements of this document

There is no direct consultation condition requirement for the Project, due to the SM CEMPs being consistent with the WSA CEMPs in accordance with the Airport Plan. However, in regards to this ACHCEMP, SM have needed to update the Survey and Salvage to account for the change in scope and footprint not addressed in the WSA ACHCEMP.

SM engaged Navin Officer to develop the Survey and Salvage Plan for this ACHCEMP. Navin Officer followed the requirements of the Aboriginal Stakeholder consultation and engagement plan (Appendix B) which they developed for WSA in 2018. As part of the process, Navin Officer sent out drafts of the plan in December 2021 to the 85 registered Aboriginal parties (RAPs) and a follow-up virtual forum was conducted on January 12 2022.

SM will consult with Aboriginal stakeholders in accordance with the Aboriginal Stakeholder and Engagement Plan in relation to the Survey and Salvage Plan.

Consultation has been completed during the development of the latest WSA ACHCEMP and during review and update of Revision 0 and 1 in 2018 and Revision 2 in. A summary of the stakeholder and government authority consultation was completed by WSA and used to inform the review of Revision 1 and finalisation of Revision 3 is presented in Table 1-2.

Consultation will continue with agencies, councils and other relevant stakeholders throughout the Project where there is a change to a CEMP. The outcomes of this consultation will be documented in subsequent revisions of the relevant CEMPs, with details of such consultation included in the applicable document. If SMWSA were to deviate from the negotiated plans of WSA, then SMWSA will conduct its own consultation as and if required.

1.8.   Consultation to inform Revision 3 of the WSA CEMP

A consultation plan outlining the process for engaging with stakeholders was prepared by the WSA Community and Engagement team. The plan and a scoping document outlining the works in the Construction Plan and potential modification of the CEMPs was provided to the stakeholders as required by the Airport Plan Conditions.

Details of the construction phases were described in the correspondence to provide context to the stakeholders on the level of impact that would result from the next phase of construction activities. Following WSA's Terminal contract award, the CEMPs were updated to reflect the next stage of construction. Stakeholders were invited to attend a site visit (due to Covid this became a video conference) and briefing presentation on 15 July 2021 to assist the stakeholders to understand the size and scale of the site elements. On 16 July 2021, stakeholders were provided with the WSA Construction Plan and the nine draft CEMPs to review and were requested to provide comment. A summary of the consultation is provided in Table 1-2.

Table 1-2: WSA ACH CEMP consultation summary

Activity	Date	Invitees	Summary
Consultation Summary			
Site visit and briefing	15 July 2021	• Liverpool City Council	As part of the continuous improvement of the

presentation for stakeholders		• Penrith City Council	consultation process, a site visit (video
CEMPs provided to stakeholders for comment	16 July 2021	• NSW Health • NSW Aboriginal Affairs • Transport for NSW (RMS) • Western Sydney Unit • Department of Energy and Environment • South Western Sydney Local Health District • Rural Fire Service • DFSI Waste Assets Management Corporation • NSW Government Architect • Heritage NSW • Western Sydney Planning Partnership (DPE/GSC/Councils) • Department of Primary Industries – Water • Greater Sydney Commission • City Deal Alliance (Councils) • NSW Department of Planning, Industry and Environment (DPIE) • Environment, Energy and Science (within DPIE)	conference due to Covid) and briefing presentation for stakeholders was organised. It is a useful element to assist stakeholders to understand size and scale and also have discussions related to site elements as they are seen during the site visit.

1.9. Ongoing consultation

The environmental mitigation and management measures outlined in Section 8 provide commitments for ongoing consultation and engagement to continue to minimise impacts relating to Aboriginal cultural heritage. These commitments are fully addressed in the Aboriginal Stakeholder Consultation and Engagement Plan (refer to Appendix B). The aims of the consultations are to:

- Inform on, and provide an opportunity for feedback regarding, all matters relating to the mitigation and management of Aboriginal cultural heritage values across the Airport Site.
- Provide a forum for organising future stakeholder participation in mitigation and management activities.
- Provide opportunities to comment on all policy and documentation regarding the mitigation and management of Aboriginal cultural values.
- Provide an opportunity for Aboriginal stakeholders to participate in field actions involving the mitigation and management of Aboriginal cultural values.

Historical and ongoing consultation with regards to the preparation of the EIS and the development and revision of this CEMP is included below in Table 3.

Table 1-3: Historical and ongoing consultation summary

Activity	Date	Invitees
Identification of Aboriginal stakeholders	February 2015 - December 2015 EIS	Consultation for the Aboriginal cultural heritage assessment undertaken for the EIS commenced on the 13 February 2015 and ended on the 18 December 2015. A total of 34 Aboriginal stakeholders registered their interest in the project.
CEMPs provided to Aboriginal stakeholders	August 2018 – CEMP	CEMP consultation at the WSI Aboriginal Stakeholder Forum No. 8.

for comment		The forum was undertaken at the Twin Creeks Golf and Country Club. Agenda item number 6 of the forum included discussion / consultation with regards to the Aboriginal Cultural Heritage CEMP, including relevant sub-plans as follows: Aboriginal Stakeholder Consultation and Engagement Plan Aboriginal Heritage Oral History Plan Survey and Salvage Plan Topsoil Management Plan Agenda item 12 of the forum included the provision of the next steps with regards to the project environmental management documentation and the intention of WSA to seek approval of the CEMP prior to commencement of the Early Earthworks.
Aboriginal stakeholders forum or meeting	February 2019	Aboriginal stakeholder forum
Aboriginal stakeholders forum or meeting	March 2019	Formal meeting of Aboriginal Stakeholders to discuss Aboriginal Cultural Heritage CEMP, in particular Site Survey and Salvage for WSI Stage 1
Aboriginal stakeholders forum or meeting	June 2019	Aboriginal Engagement Manager introduction and Aboriginal Stakeholder Engagement Survey distributed to all Aboriginal stakeholders to identify areas of interest, including stakeholders with an interest in site survey and salvage
Aboriginal stakeholders forum	March – Ongoing	Presentation roadshow and discussions with Aboriginal stakeholders
Aboriginal stakeholders forum or meeting	Ongoing	Ongoing engagement and consultation with Aboriginal Stakeholders, local Aboriginal community groups and Aboriginal community organisations as part of a broader engagement program
Aboriginal stakeholders	July and October 2019	Presentations and panel discussions at various forums
Aboriginal stakeholders	September 2019	Introductory communications distributed to all Aboriginal stakeholders introducing the Bulk Earthworks contractor and their engaged Heritage Consultant. Introduction also advised stakeholders of the intended dates and timeframes for Site Survey and Salvage
Aboriginal stakeholders	July 2021	CEMP distributed to Aboriginal stakeholders for review as part of the consultation process.
Aboriginal stakeholders	December 2021	Survey and Salvage Plan distributed to Aboriginal stakeholders for review as part of the consultation process.
Aboriginal stakeholders	January 2022	Forum held with Aboriginal stakeholders on Survey and Salvage Plan as part of the consultation process.

1.10. Certification and approval

This ACHCEMP has been reviewed and approved for issue by the SMWSA Environment Manager prior to submission to the Infrastructure Department.

1.11. Distribution

All Sydney Metro personnel and contractors will have access to this ACHCEMP via the project document control management system. Unless otherwise agreed by the Approver, the Approved Plan must be published on Sydney Metro's website within one month of being approved and be available until the end of the Construction Period. An electronic copy can be found on the Project website.

This document is uncontrolled when printed. One controlled hard copy will be maintained by the quality manager at the project office.

2.   Scope of works

2.1.   Overall Project scope

The Sydney Metro Construction (Rail) Plan details the construction staging of the Airport Railway Development.

The delivery of the Project will be through a packaging strategy with a wide variety of package sizes, risk profiles and contracting entities. Each package will have different levels of environmental risk and environmental obligations, depending on the scope of works, location of works and sensitivity of the receiving environment and cultural heritage issues and relevant statutory requirements and obligations.
The packages have been divided into:
- AEW – Advanced and Enabling Works
- SCAW – Surface and Civil Alignment Works
- SBT – Station Boxes and Tunnelling Works
- SSTOM – Stations, Systems, Trains, Operations and Maintenance

The On-Airport Railway Development of the Project comprises the following key features as described in the Sydney Metro Construction (Rail) Plan (which is consistent with the Airport Plan and EIA Chapter 4):
- Around two kilometres of surface rail alignment within Western Sydney International (SCAW)
- Around 3.3 kilometres of twin rail tunnels (including tunnel portal) within Western Sydney International (SBT)
- Around three kilometres of twin rail tunnels between Western Sydney International and the Aerotropolis Station (SBT)
- Two new metro stations, Airport Business Park Station and Airport Terminal Station (STOM);
- All operational systems and infrastructure (SSTOM)
- A rail segment factory comprising a concrete batch plant and stockpile area (SBT and SCAW)
- A spoil stockpile area (SBT and SCAW)

Details of the Project construction activities, staging and programming including the phases of works is described in the Sydney Metro Construction (Rail) Plan (2021) as required by the Airport Plan Variation.

The proposed construction activities that would be undertaken for the Project include:
- preparatory activities (AEW)
- main construction works including:
  - tunnelling and associated works (SBT)

  - corridor and associated works (SCAW)

  - stations and associated works (SSTOM)

- rail systems fitout (SSTOM)
- activities required for tunnel and viaduct segment manufacture and storage and temporary haulage roads (SBT and SCAW)
- finishing works and testing and commissioning (FAW)

The Project would also include the potential permanent placement of spoil at two sites to support the development of future stages of the airport. The Rail Construction Impact Zone (RCIZ) including the construction footprint and key construction sites proposed for use during the construction of the Project are shown in Figure 2-1. This figure also indicates the Western Sydney International Stage 1 CIZ and the Environmental Conservation Zone within Western Sydney International.
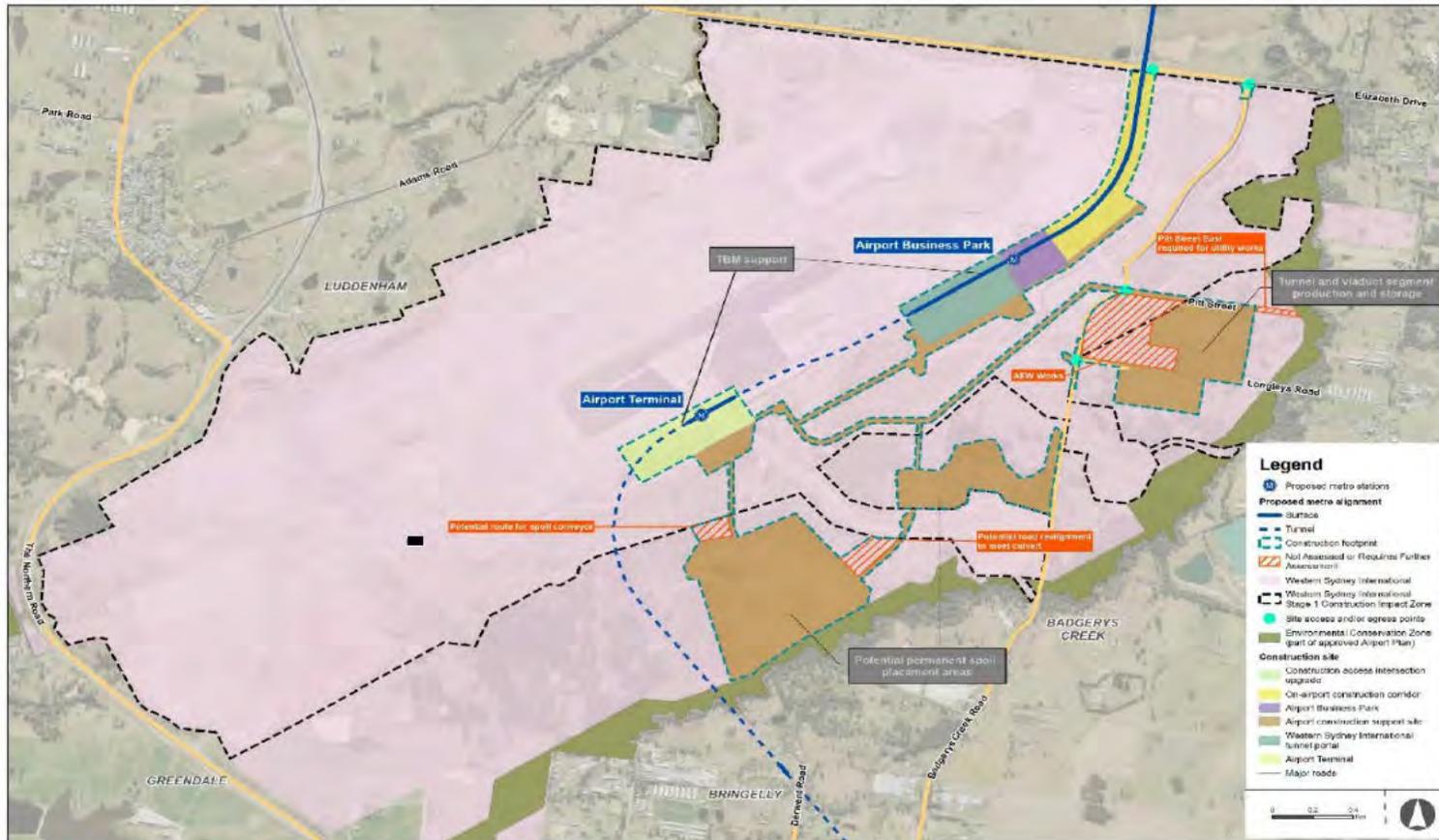
Figure 2-1 Construction footprint and key construction sites

It is anticipated that the Project construction works would commence in 2021 and take about five years to complete, subject to planning approval. The Operational SM - WSA opening is anticipated to align with the opening of passenger services for Western Sydney International in 2026. An indicative main construction program for the project is shown in Figure 2-2 below.

Construction Activities	Start	Finish	2021				2022				2023				2024				2025				2026			
			Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Enabling Work	25-Jan-21	19-Sep-22																								
SBT Enabling Works	27-Apr-22	23-Jan-23																								
SBT Station & Tunnel Portal Excavation	23-Jun-22	17-Jun-23																								
SBT Tunnel Construction	20-Apr-23	20-Dec-24																								
SCAW Surface work	14-Feb-23	19-Jun-24																								
SCAW Station works	14-Feb-23	13-Jul-23																								
SSTOM Station Construction and fitout	17-Jul-23	29-Aug-25																								
SSTOM Rail System fitout	18-Jun-24	3-Oct-25																								
SSTOM Systems Testing and commisioning (incl integrated)	31-Jan-25	15-Dec-26																								

Figure 2-2 Indicative main construction program for the project

2.2. Preparatory activities

Preparatory activities for the proposed action are required to establish key construction sites and facilitate construction activities.

The majority of the preparatory activities are expected to commence in advance of main construction works, such as tunnelling and station excavation, while some preparatory activities would continue concurrently with the main construction works. Preparatory activities would include:

- detailed site investigations and subsequent clearance works;
- provision of construction haul roads;
- relocating, adjusting and protecting utilities and services affected by the proposed action;
- supplying power, water and other utilities to construction sites and other areas within the construction footprint;
- vegetation clearance (as required); and
- establishment of construction sites.

2.3. Construction sites

The Project's construction activities will be carried out within and to the south-west of the WSI airport Stage 1 CIZ. The indicative works at proposed construction sites required for the construction of the Project are shown in Figure 2-3. The use of these sites will be confirmed by the construction contractor(s) (when appointed) in consultation with Western Sydney Airport.

Location	Preparatory activities	TBM launch	TBM support	TBM retrieval	Spoil handling and removal	Roadheader launch/support	Ancillary facility construction	Stabling and maintenance facility construction	Major earthworks	Bridge and viaduct construction	General civil works	Concrete batch plant	Equipment and material laydown	Rail system fitout	Site offices and worker amenities	Water treatment plant	Potential acoustic shed	Vehicle parking
On-airport																		
On-airport construction corridor	✓				✓		✓		✓	✓	✓		✓	✓	✓			✓
Airport Business Park	✓				✓		✓		✓		✓		✓	✓	✓			✓
Western Sydney International tunnel portal	✓	✓	✓		✓	✓	✓		✓		✓	✓	✓	✓	✓	✓	✓	✓
Airport Terminal	✓		✓		✓	✓	✓		✓		✓	✓	✓	✓	✓	✓	✓	✓
Airport construction support site	✓				✓				✓		✓	✓	✓	✓	✓			✓

Figure 2-3 Indicative construction activities at proposed action construction sites

Note: TBM retrieval would occur outside the proposed action at the Aerotropolis core station

3.   Objectives and targets

3.1.   Objectives

The key objective of this Plan is to ensure that Aboriginal Cultural Heritage is appropriately managed in accordance with the AEPR general duty to preserve heritage and Conditions of the Airport Plan during the construction phase. To achieve this objective, the following will be undertaken:

- minimising disturbance and loss of Aboriginal cultural heritage values;
- minimise impacts on items or places of heritage value;
- avoid accidental impacts on heritage items;
- maximise worker's awareness of indigenous and non-indigenous heritage; and
- protecting and conserving in situ where appropriate those Aboriginal cultural items and sites located within the Environmental Conservation Zone (ECZ);
- implementing Aboriginal cultural heritage management measures as agreed with Aboriginal stakeholders;
- contributing to a greater understanding of the archaeological record within Western Sydney;
- ensure the project does not diminish the story and cultural understanding associated with the objects and places of Aboriginal people in New South Wales;
- seeking Aboriginal stakeholder participation in the development of the Aboriginal Cultural Heritage Management Plan and in the implementation of the measures and strategies contained within it;
- detail all the heritage management objectives and be consistent with the WSA Aboriginal Cultural Heritage CEMP including all appendices to these CEMP documents; and
- Treating all Aboriginal cultural heritage items with respect, having regard to their identified values and avoiding any unnecessary impacts.

3.2.   Targets and performance criteria

The following targets have been established for the management of Aboriginal cultural heritage impacts during the construction phase of the works which have been derived in part from the performance criteria identified in the WSA EIS Table 28-12, as well as the performance outcomes detailed in in Table 27-4 and the mitigation measures detailed in Table -3 from the SMWSA EIA as presented in Table 3-1.

Table 3-1 Objectives and targets

Objective	Target	Document Reference
Minimise disturbance and loss of Aboriginal cultural heritage values	Comply with the objective to manage heritage values in the ECZ as outlined in the Land Use Plan in the Airport Plan	• CEMP (including appendices) • Environmental Control Map (ECM) • Training records • Audit report
Protect and conserve in situ where appropriate those Aboriginal cultural items and sites located within the ECZ	Comply with the objective to manage heritage values in the ECZ as outlined in the Land Use Plan in the Airport Plan	• CEMP (including appendices) • ECM • Training records • Audit report

Objective	Target	Document Reference
Seek Aboriginal stakeholder participation during the development of this CEMP and incorporate Aboriginal cultural heritage management measures	Aboriginal stakeholders contribute to the development of this CEMP and related mitigation and management plans, participate in archaeological surveys and are consulted about the management, storage and curation of cultural materials salvaged at the Airport site Implementing Aboriginal cultural heritage management measures as agreed with Aboriginal stakeholders	• CEMP (including appendices) • Community Communications Strategy • ECM
Contribute to a greater understanding of the archaeological record within Western Sydney	Aboriginal cultural heritage values of the Airport site are commemorated in the detailed design of the airport	• CEMP (including appendices) • Community Communications Strategy • Design report
Treat Aboriginal cultural heritage items with respect having regard to their identified values and avoid any unnecessary impacts	Employees and contractors to complete Aboriginal cultural awareness training prior to working in areas of cultural significance. Compliance with the general duty to preserve heritage under the AEPR	• Induction and training package • Training records • Audit report
Comply with legislation and other requirements	No non-conformance with the requirements of the CEMP	• CEMP Audit report

The above targets in Table 3-1 have been set to provide a benchmark performance objective to which Sydney Metro will endeavour to achieve. Failure to achieve the targets will not necessarily be considered a non-conformance for this CEMP, however it will prompt internal review of Aboriginal cultural heritage management and assessment of potential improvement opportunities.

4. Legal and other requirements

Relevant environmental legislation and other requirements are identified below.

4.1. Relevant legislation and guidelines

As WSI is to be developed under the Airport Plan determined under the Airports Act 1996, some state laws will not be applicable to the Project (s112 of this Act). Where state law is applicable, this Plan will set out the relevant applicable state legislation and requirements demonstrate how compliance with those laws including obtaining relevant permits will be achieved. Where state laws are not applicable, there may nonetheless be a requirement to have regard to those laws, for example, through mitigation measures to be incorporated in CEMPs to satisfy conditions under the Airport Plan.

4.1.1. Legislation

Relevant legislation and regulations are summarised in table 4-1

Table 4-1 Principal legislation and relevance

Legislation or regulation	Relevance	CEMP compliance provisions
Commonwealth		
Airports Act 1996	The Act and AEPRs set out the framework for the regulation and management of activities at airports that could have potential to cause environmental harm. This includes offences related to environmental harm, environmental management standards, monitoring and incident response requirements. The Airport Plan prepared under the Act covers several environmental matters and, in particular, details specific measures to be carried out for the purposes of preventing, controlling or reducing the environmental impact associated with the airport including impacts on aboriginal heritage values. Criminal offences are applicable if these measures are not complied with.	This CEMP forms part of the overall Sydney Metro environmental management system which has as a target, full compliance with the Airport Plan. Relevant mechanisms within this CEMP that will contribute to this include but are not limited to: - Section 3.1 – Objectives - Section 4.3 – Airport Plan Conditions - Section 4.3.1 – Environmental Impact Statement Requirements - Section 6.3 – Risk Assessment - Section 7 – Environmental Control Measures - Section 9 – Roles and Responsibilities - Section 10 – Environmental Inspection, Monitoring and Auditing - Section 10.4 – Environmental Reporting
Airports (Environment Protection) Regulations 1997 (AEPRs)	Imposes various duties including a general duty to take all reasonable and practicable steps to ensure there is no adverse consequences for sites of indigenous significance on the airport site and a duty to give notice of unexpected finds.	Refer to commentary on Airport Plan above.
Airport (Building Control) Regulations 1996	Any condition imposed on the ABC and ALC consent are to inform the relevant CEMPs (where appropriate).	This document.
Environment Protection and Biodiversity Conservation Act 1999	National environment law that provides a legal framework to protect and manage nationally and internationally important flora, fauna,	Section 6 – Aboriginal Cultural Heritage Aspects and Impacts Section 7 – Environmental Control Measures Section 10 – Environmental Inspection, Monitoring and Auditing

Legislation or regulation	Relevance	CEMP compliance provisions
	ecological communities and heritage places, defined in the Act as matters of national environmental significance. Relevant heritage items listed on the National Heritage List include the Greater Blue Mountains Area.	
NSW As the Airport is to be developed under the Airport Plan determined under the Airports Act, 1996 (Cth), some state laws will not be applicable to the Project or to parts of the Project (see for example S 112 of that Act). Where state laws are not applicable, it is still intended to have regards to relevant laws for example through inclusion of mitigations measures incorporated into this CEMP. These laws are identified below.		
National Parks and Wildlife Act 1974 (NPW Act) *National Parks and Wildlife Regulation 2009*	Main piece of NSW legislation for managing and protecting Aboriginal cultural heritage. The NPW Act is complemented by the National Parks and Wildlife Regulation which provides for the management of Aboriginal land and objects. Any finds of Aboriginal heritage significance would be notified to EES for recording on AHIMS database.	Section 7 – Environmental Control Measures
Environmental Planning and Assessment Act 1979 (EP&A Act)	Objects of the Act include the encouragement of proper management and conservation of natural and artificial resources and the promotion of the orderly and economic use and development of land in NSW. The EP&A Act also provides for the making of environmental planning instruments including State Environmental Planning Policies (SEPPs) and Local Environmental Plans (LEPs), which include land use controls, such as development standards applicable to the land within the area covered by each instrument	This Project has been authorised under the Airports Act; however, a range of matters arising from the EP&A Act have been considered. Section 7 – Environmental Control Measures
Work Health and Safety Act 2011 *Work Health and Safety Regulation 2017.*	The *Work Health and Safety Act 2011* (NSW) (the Act) provides a framework to protect the health, safety and welfare of all workers and others in relation to NSW workplaces and work activities. The Work Health and Safety Regulation 2017 set out specific requirements for particular hazards and risks, such as noise, machinery and manual handling.	Addressed by Safety documentation
State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (Aerotropolis SEPP)	The Aerotropolis SEPP was made in accordance with division 3.3 of the EP&A Act and provides planning controls for development within the Western Sydney Aerotropolis. The Aerotropolis SEPP overrides any LEP provisions that apply to that land. The SEPP includes a requirement to recognise the physical and cultural connection of the local Aboriginal	Section 7 – Environmental Control Measures

Legislation or regulation	Relevance	CEMP compliance provisions
	community to the land and to incorporate local Aboriginal knowledge, culture and tradition into development.	
Liverpool Local Environmental Plan 2008 (Liverpool LEP)	The Liverpool LEP provides local environmental planning controls and standards for land in the Liverpool LGA in accordance with the standard environmental planning instrument under section 33A section 3.20 of the EPA Act.	Section 7 – Environmental Control Measures
Penrith Local Environmental Plan 2010 (Penrith LEP)	The Penrith LEP provides local environmental planning controls and standards for land in the Penrith LGA in accordance with the standard environmental planning instrument under section 33A3.20 of the EPA Act.	Section 7 – Environmental Control Measures

4.1.2. Guidelines and standards

Guidelines and standards that are relevant to the management of Aboriginal items and places of cultural heritage significance are summarised in Table 4-2.

Table 4-2 relevant guidelines and standards

Guidelines and standards
Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW 2010)
Ask First: A guide to respecting Indigenous heritage places and values (Australian Heritage Commission, 2002)
Charter for Places of Cultural Significance ('the Burra Charter') (Australia ICOMOS, 2013)
Western Sydney Aerotropolis Development Control Plan 2020 Phase 1
Draft Connecting with Country (Government Architect 2020)

4.2. Approvals and other specifications

- Functional Specifications
- Western Sydney Airport Plan
- Western Sydney Airport Environmental Impact Statement; Chapter 28 Table 28-12 and Table 28-13
- Sydney Metro Western Sydney Airport Environmental Impact Statement
- Sydney Metro Sustainability Plan
- Sydney Metro Community Communications Strategy
- Sydney Metro Construction (Rail) Plan, including the CEMF

4.3. Airport Plan conditions

Conditions relevant to Aboriginal cultural heritage management and mitigation during construction of the Project are provided in Section 3.11.6 of the Airport Plan and summarised in Table 4-3 below. Compliance with the Airport Plan conditions is a statutory requirement and as such, failure to comply may constitute a criminal offence liable to criminal prosecution under the relevant legislation.

Table 4-3 Airport Plan Conditions relevant to Aboriginal cultural heritage management and mitigation

Condition No.	Condition	Timing	Responsibility	Reference within this CEMP
5	**Preparatory Activities** (1) If the Site Occupier proposes to commence the Aboriginal survey and salvage programmes described in Table 28–13 in Chapter 28 of the EIS before there is an approved Aboriginal Cultural Heritage CEMP, the Site Occupier must prepare a plan addressing those programmes and submit it for approval by an Approver before commencing the survey and salvage programmes. (2) If an Approver determines that an activity for the Airport Stage 1 Development is a Preparatory Activity for paragraph (e) of the definition of 'Preparatory Activities', the Approver may require the Site Occupier to prepare and submit for approval a plan in relation to the carrying out of that Preparatory Activity. (3) In carrying out a Preparatory Activity for the Airport Stage 1 Development, the Site Occupier must: (a) implement any plan approved in accordance with sub condition (1) or (2), except to the extent that the plan is inconsistent with any subsequently approved CEMP or the approved Construction Plan; and (b) not act inconsistently with any approved CEMP or the approved Construction Plan. Note: Preparatory Activities can generally commence before all CEMPs are approved. If a CEMP has been approved, however, Preparatory Activities must not be carried out inconsistently with the approved CEMP. Some conditions require a specific plan for the preparatory activity to be approved prior to the activity occurring (for example a plan required under sub condition (1) or the Cemeteries Relocation Management Plan required under condition 3).	Prior to Main Construction Works	Sydney Metro	Section 2.1

Condition No.	Condition	Timing	Responsibility	Reference within this CEMP
39.1	The Rail Authority must not: (a) commence Rail Construction Works until each and all of the CEMPs specified in paragraph (2) have been prepared and approved in accordance with this condition; or (b) carry out any Rail Development inconsistently with any of the approved Rail CEMPs.	Prior to Main Construction Works	Sydney Metro	CEMP Sections 6, 7, 8, 9 and 10
39.2	(2) The Rail Authority must prepare and submit to an Approver for approval; (f) an Aboriginal Cultural Heritage CEMP. In relation to the carrying out of the Rail development.	Prior to Main Construction Works	Sydney Metro	This document (Aboriginal Cultural Heritage CEMP)
39.3	The criteria for approval of each of the Rail CEMPs are that an Approver is satisfied that: (a) the CEMP complies with the mitigation measures and other requirements set out in Table 8-1 and Table 8-3 of the EIA which are relevant to that CEMP; (b) the Rail Authority, in preparing the CEMP has taken into account any performance outcomes specified in Table 8-2 of the EIA relevant to the CEMP; and (c) the CEMP is otherwise appropriate.	Prior to Main Construction Works	Sydney Metro All Contractors	This document (ACH CEMP) Table 4.6
39.4	4) The Rail Authority must ensure that: (a) a Rail CEMP is to the extent possible, consistent with a CEMP of the Site Occupier; and (b) no Rail CEMP is inconsistent with the approved Construction (Rail) Plan; and (c) if a CEMP of the Site Occupier is varied or replaced and results in inconsistencies with a Rail CEMP, the relevant Rail CEMP is updated or replaced as soon as practicable to ensure compliance with sub condition (4)(a).	CEMP preparation	Sydney Metro	This document Section 1.3 Section 4.7 Section 7

Condition No.	Condition	Timing	Responsibility	Reference within this CEMP
45.3	The Rail Authority must take reasonable steps to ensure that: (a) each person involved in carrying out a development which is part of the Rail Development: (i) is informed of the conditions that are relevant to the carrying out of the Rail Development; and (ii) in carrying out the Rail Development, complies with those conditions as if they applied to the person in the same way as they apply to the Rail Authority; and (b) each person involved in operating a development described in section 3.10 of Part 3 of the Airport Plan: (i) is informed of the conditions that are relevant to the operation of the development; and (ii) in operating the development, complies with those conditions as if they applied to the person in the same way as they apply to the Rail Authority.	Prior to construction	Sydney Metro	Section 10.6
46	Site Occupier and Plan Owner to maintain records about compliance with conditions Each Site Occupier, the Rail Authority and each Plan Owner must maintain accurate records which demonstrate its compliance with the conditions, including measures taken to implement the Approved Plans, and must make the records available upon request to the Infrastructure Department.	During construction	Sydney Metro	Section 10.5 Section 10.4
47.4	Unless otherwise agreed in writing by an Approver, the Rail Authority must prepare a report addressing its compliance with each condition set out in section 3.11.6, including implementation of any Approved Plan, in respect of: (a) the 12-month period commencing with the commencement of Rail Construction Works; and (b) each subsequent 12-month period until the end of the Rail Construction Period; and (c) any period between the commencement of Rail Construction Works and the end of the Rail Construction Period that is not covered by paragraph (a) or (b).	During construction	Sydney Metro	Section 10.4

Condition No.	Condition	Timing	Responsibility	Reference within this CEMP
47.5	Unless otherwise agreed in writing by an Approver, the Rail Authority must publish each report prepared under sub condition (4) on its website within three months of the end of the period in respect of which the report was prepared. Documentary evidence providing proof of the date of publication must be provided to the Infrastructure Department at the same time as each report is published (with a copy to be provided to the Environment Department). Each report must remain on the Rail Authority's website for a minimum of 12 months (beginning on the date of publication).	During construction	Sydney Metro	Section 10.4
48.4	The Rail Authority must ensure that an independent audit of its compliance with the conditions set out in section 3.11.6 (except condition 44) is conducted in respect of the 12-month period commencing with the commencement of Rail Construction Works.	During construction	Sydney Metro	Section 10.4
48.5	The Rail Authority must ensure that an independent audit of its compliance with condition 46 is conducted in respect of the 12-month period from commencement of Rail Operations.	During construction	Sydney Metro	Section 10.4
48.6	The Rail Authority must submit the report of each audit conducted under sub condition (4) or (5) to an Approver (with a copy to the Environment Department) within six months of the end of the period in respect of which the audit was conducted. For each audit, the independent auditor must be approved by an Approver prior to the commencement of the audit. Audit criteria must be agreed by an Approver and the report of the audit must address the criteria to the satisfaction of an Approver.	During construction	Sydney Metro	Section 10.4
49.1	The Plan Owner may seek approval for a variation of an Approved Plan by submitting to an Approver a version of the plan with the proposed variation clearly marked in it (varied plan).	During construction	Sydney Metro	Section 12.2
49.2	The criteria for approval of the varied plan are the same as those in the Approval Condition, but only to the extent that they are relevant to the proposed variation.	During construction	Sydney Metro	Section 12.2

Condition No.	Condition	Timing	Responsibility	Reference within this CEMP
49.3	If an Approver approves a varied plan prepared under sub condition (1) or paragraph (5)(b), or the Infrastructure Minister varies an Approved Plan under paragraph (5)(a), then, from the date when it is approved or varied (as the case may be), the plan as varied is taken to be the Approved Plan for the purposes of the conditions.	During construction	Sydney Metro	Section 12.2
49.6	The Infrastructure Minister may: (a) vary an Approved Plan; or (b) request in writing that the Plan Owner prepare and seek approval for a specified variation of an Approved Plan in accordance with sub condition (1), if the Infrastructure Minister believes on reasonable grounds that: (c) a condition has been contravened and the nature of the contravention is relevant to the subject matter of the Approved Plan; and (d) the variation or the request for a specified variation (as the case may be) will address the contravention.	During construction	Sydney Metro	Section 12.2
49.7	The Plan Owner must comply with a request made by the Infrastructure Minister in accordance with sub condition (5) within three months of the date of the request.	During construction	Sydney Metro	Section 12.2
49.8	Sub conditions (5) and (6) do not apply in relation to the Biodiversity Offset Delivery Plan.	During construction	Sydney Metro	Section 12.2
49.9	Within two months of the grant of an Airport Lease, the ALC must prepare and submit for approval, in accordance with sub condition (1), a variation of each plan that was approved under a condition before the lease was granted, and for which the ALC is the Plan Owner, to reflect the change in Site Occupier resulting from the grant of the Airport Lease.	During construction	Sydney Metro	Section 12.2
50.1	Unless otherwise agreed in writing by an Approver, the Plan Owner must publish all Approved Plans on its website.	During construction	Sydney Metro	Section 12.2

Condition No.	Condition	Timing	Responsibility	Reference within this CEMP
50.2	Each Approved Plan must be published on the Plan Owner's website within one month of being approved and remain so published: (a) for CEMPs – until the end of the Airport Construction Period or Rail Construction Period as relevant; (b) for the Biodiversity Offset Delivery Plan – until all biodiversity offsets (including Other Compensatory Measures) required by the plan have been secured or implemented; (c) for the TransGrid Relocation Plan – until all of the actions required by the plan have been completed (d) the Rail OEMP; (e) the Community Communications Strategy – on commencement and each time there is a variation to the Strategy; and (f) for all other plans – until there is a Master plan for the Airport.	During construction	Sydney Metro	Section 12.2

4.4. Environmental Impact requirements

4.4.1. WSA EIS requirements

The requirements of Aboriginal cultural heritage management to be taken into account and addressed during the construction phase of the Railway Development on the Stage 1 CIZ area are included in the WSA EIS, specifically Table 28-12. In line with the requirement of the SMWSA CEMPs to be consistent with the WSA CEMPs, Sydney Metro have ensured that the implementation, risk assessment, management measures, monitoring, auditing, reporting and responsibility for Aboriginal cultural heritage management by the Project is aligned with the requirements of the WSA ACH CEMP.

4.4.2. SMWSA EIA requirements

The requirements of Aboriginal Cultural Heritage management to be taken into account and addressed during the construction phase of the Railway Development are included in the SMWSA EIA Table 8-1 and Table 8-2 CEMF 5. A summary of these requirements and how they have been addressed in this Aboriginal Cultural Heritage CEMP is presented in Table 4-5.

Table 4-4 Summary of Aboriginal Cultural Heritage management requirements from the SMWSA EIA

EIS reference	Topic	Summary	Aboriginal Cultural Heritage CEMP Reference
Table 8-1 CEMF 5	Framework Requirements	The on-airport Aboriginal Cultural Heritage CEMP and the European and Other Heritage CEMP would detail the Sydney Metro – Western Sydney Airport heritage management objectives, including:	
		• embed significant heritage values through any architectural design, education or physical interpretation	Section 7 - Environmental control measures Section 8
		• minimise impacts on items or places of heritage value	Section 7 - Environmental control measures Section 8
		• avoid accidental impacts on heritage items and	Section 7 - Environmental control measures Section 8
		• maximise worker's awareness of Indigenous and non-indigenous heritage.	Section 3.11 of the CEMF

EIS reference	Topic	Summary	Aboriginal Cultural Heritage CEMP Reference
		The on-airport Aboriginal Cultural Heritage CEMP and the European and Other Heritage CEMP would be consistent with the WSA Aboriginal Cultural Heritage CEMP and European and Other Heritage CEMP, including all appendices (and sub plans) to these CEMPs. The plans that should be included as a minimum:	
		• evidence of consultation with Registered Aboriginal Parties and the NSW Heritage Council where relevant	Section 1 - Introduction, Section 7- Environmental Control Measures Appendix C -Survey and Salvage Plan
		• procedures for interpretation of heritage values uncovered through salvage or excavation during detailed design	Section 7 - Environmental Control Measures
		• procedures for undertaking salvage or clearance works	Section 7 - Environmental Control Measures
		• details for the short and/or long term management of artefacts	Section 7 - Environmental Control Measures Section 8.6 - L-T Management of Aboriginal Heritage items
		• details of management measures to be implemented to prevent and minimise impacts on heritage items (including further heritage investigations, archival recordings and/or measures to protect unaffected sites during construction works in the vicinity)	Section 7 - Environmental Control Measures Section 8.6 - L-T Management of Aboriginal Heritage items
		• procedures for unexpected heritage finds, including procedures for dealing with human remains	Section 8.3 - Unexpected Finds Procedure
		• heritage monitoring requirements	Section 10 - Environmental inspection, monitoring, auditing and reporting
		• compliance record generation and management, including: - Inspections undertaken in relation to heritage management measures - archival recordings undertaken of any heritage item; - unexpected finds and stop work orders; and - records of any impacts avoided or minimised through design or construction methods.	Section 7 - Environmental control measures Section 8 - Aboriginal cultural heritage management Section 10 - Environmental inspection, monitoring, auditing and reporting
		The on-airport Aboriginal Cultural Heritage and European and Other Heritage CEMPs would include the following mitigation measures:	

EIS reference	Topic	Summary	Aboriginal Cultural Heritage CEMP Reference
		• induction courses for site workers will include training in the identification of Aboriginal artefacts and management of Aboriginal Cultural Heritage values	Section 7 - Environmental Control Measures
		• any heritage item not affected by the works will be retained and protected throughout construction	Section 7 - Environmental Control Measures
		• implement unexpected heritage find procedures for Indigenous and non-Indigenous heritage items.	Section 10 - Environmental inspection, monitoring, auditing and reporting
Table 8-2	Performance outcomes	The heritage significance of Aboriginal objects and places are protected, conserved and/or managed in order to ensure the project does not diminish the story and cultural understanding of Aboriginal people in New South Wales.	

5. Existing environment

The 2016 WSA EIS Volume 4 Technical Report Appendix M1 Aboriginal cultural heritage provides a comprehensive report on the assessments undertaken to determine the known and predicted Aboriginal cultural heritage values relating to the WSA site. Chapter 19 of EIS Volume 2A summarises the historical context and the 2016 WSA EIS assessment of the known sites and cultural heritage values at that time. The final SMWSA EPBC EIA, Technical Paper 5 - Aboriginal Cultural Heritage and Chapter 13 of the SMWSA EIA were also referred to.

5.1. Background

Since the early 1800's, land use at the Airport Site has consisted of varying phases of stock grazing, cropping, orcharding, dairying, market gardening, poultry farming and some light industrial functions. Consequently, most of the original native vegetation has been cleared and the Airport Site is now dominated by agricultural grasslands or cultivated fields with small pockets of open eucalypt woodland or shrub land. These activities are expected to have had a substantial impact on the Aboriginal archaeological resource, especially in the top soil and the plough zone at the Airport Site.

The Airport Site has been the subject of a number of previous archaeological assessments as part of the search for an appropriate site for a second Sydney airport. Previous EIS related assessments date between 1978 to 2015. Some of the earlier assessment areas were outside the current Western Sydney Airport site.

5.2. Cultural context

The Darug peoples bore the first impact of Sydney's European settlement, because their lands were situated on the Sydney peninsula and the adjoining hinterlands of the Cumberland Plain (EIS Volume 4 Technical Report Appendix M1 (2016)). The peninsula and its embayments became the residential and commercial focus of the settlement, while the fertile lowlands and woodland of the hinterland were developed for agricultural production and the granting of freehold lands. The Cumberland Plain was an integral component of Darug territory and cultural identity, from which they were incrementally excluded and dispossessed by European land-use and occupation (EIS Volume 4 Technical Report Appendix M1 (2016)).

EIS Volume 4 Technical Report Appendix M1 states in the five decades following the establishment of the Sydney Cove colony, the impact of European incursion saw a steep decline in the Darug population, along with loss of economic autonomy, and a break-down in traditional social organisation and practice. Despite this, the Darug and their descendants maintained their local presence and adapted as necessary to survive as a minority in a drastically changed cultural and social landscape.

5.3. Archaeological context

The Sydney region has been the subject of detailed archaeological survey and assessment since the passing of legislation protecting Aboriginal sites in 1974. The focus of this assessment has shifted in the last two decades to Western Sydney and to the new urban and industrial developments across the Cumberland Plain. Such research has resulted in thousands of site recordings and a wide range of site types and features. The most prevalent recordings comprise surface occurrences of stone artefacts (ranging from single items to hundreds of artefacts), shell middens, rock shelters containing occupation evidence (including deposits and rock art), grinding groove sites and open context engraving sites. Rare site types include culturally modified trees, quarry and procurement sites, burials, stone arrangements, and traditional story or other ceremonial places.

5.4. Landscape and landforms

The Airport Site is located on the central western margin of the Cumberland Plain. This section of the Cumberland Plain is where the creek lines drain north and west to the Hawkesbury River. The Cumberland Plain comprises three broad physiographic units (Department of Environment and Planning 1984):

- The River Plain, comprising the alluvial flats associated with the Nepean-Hawkesbury River, and the Eastern, South and Ropes Creeks (approximately 11 percent of the plain).
- The Dissected Plateau, where stream incision into the underlying sandstone has occurred, particularly around the margins of the Plain (approximately 33 percent of the plain).
- The Shale Slopes formed on the Ashfield and Bringelly Shales (approximately 56 percent of the plain). The Airport Site falls within the Shales Slopes unit.

The Airport Rail Site, which covers approximately 1,780 hectares, comprises around 1.2 percent of this unit. Some characteristics of the Shale Slopes unit include (Department of Environment and Planning 1984):

- Gently undulating, rounded hills and valleys with a low degree of vertical differentiation.
- Mature landforms.
- Deep texture contrast soils which are clayey and stiff.
- Surface hydrology characterised by a dendritic pattern of drainage lines.
- Native vegetation structures dominated by grassy woodland and open forests.
- Broad area flooding and associated aggradation of sediments across valley floor contexts.

Table 5-1 Summarises the proportion of various landforms within the Airport Site

Landform category or feature	Area within Airport Site (hectares)
Riparian corridor (100 metres either side of drainage line)	711
Ridge and spur crests	392.3
Broad scale landforms	
Valley floor	184
Basal slopes	214.2
Mid and upper slopes	1,324.4
Total area of 3rd, 4th and 4th order crests	122.5
Total broad scale landforms within Airport Site	1,845.1

5.5. Recorded Aboriginal sites

An AHIMS search was conducted and identified ten sites within the proposed action construction footprint as outlined in Table 5-2. AHIMS sites and areas where field investigations were undertaken (transects) for the SMWSA EPBC Final Environmental Impact Assessment are shown on Figure 5-2.
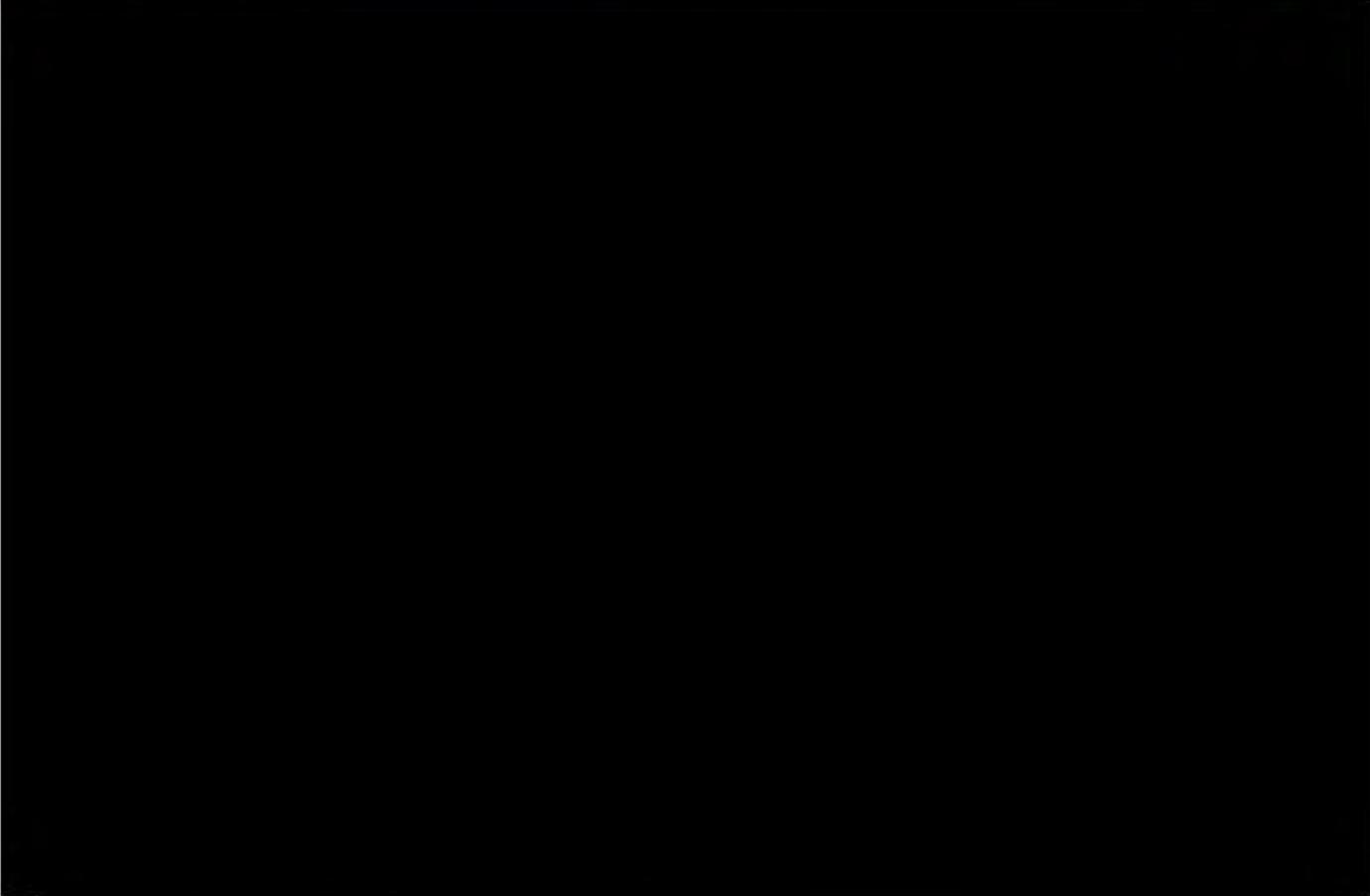
Figure 5-1 All known Aboriginal sites recorded at the Airport site

Table 5-1 AHIMS sites within the on-airport construction footprint
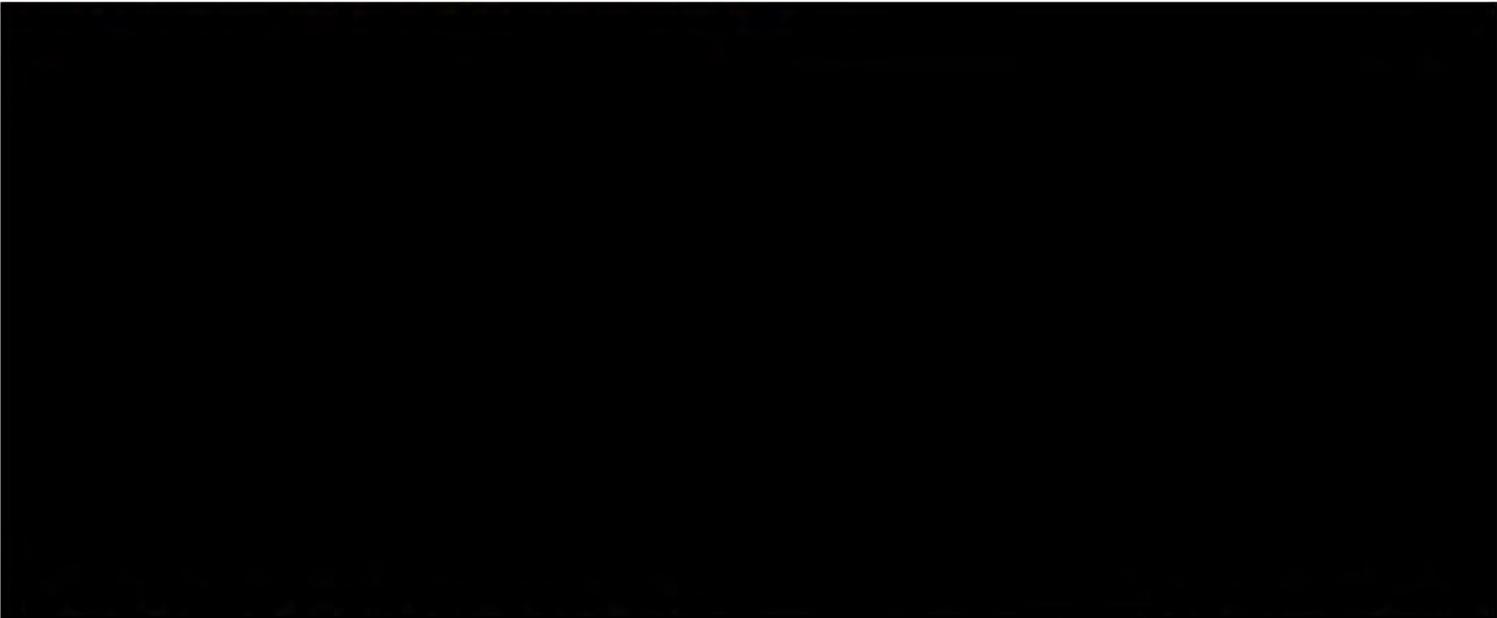
Of the ten sites listed above, three sites (listed as ███████████████████████████████) are located outside of the Western Sydney International Stage 1 Construction Impact Zone. Only one of these sites was able to be found during archaeological field investigations (listed as ██████████) in 2021 during the preparation of the SM – WSA EIS.

5.6. Nature and distribution of sites

Surface artefact occurrences occur across the Sydney Metro site. The ECZ includes the site of the possible scarred tree and grinding grooves. Subsurface site has also been identified through salvage excavations in selected areas. None of the sites are registered on National or Commonwealth Heritage Lists, however, all have been included in the inventory for the Sydney Metro site and have been registered on the Heritage NSW Aboriginal Heritage Information Management Systems (AHIMS) database.

Figure 5-1 shows the general locations and distribution of known sites within the Sydney Metro site.
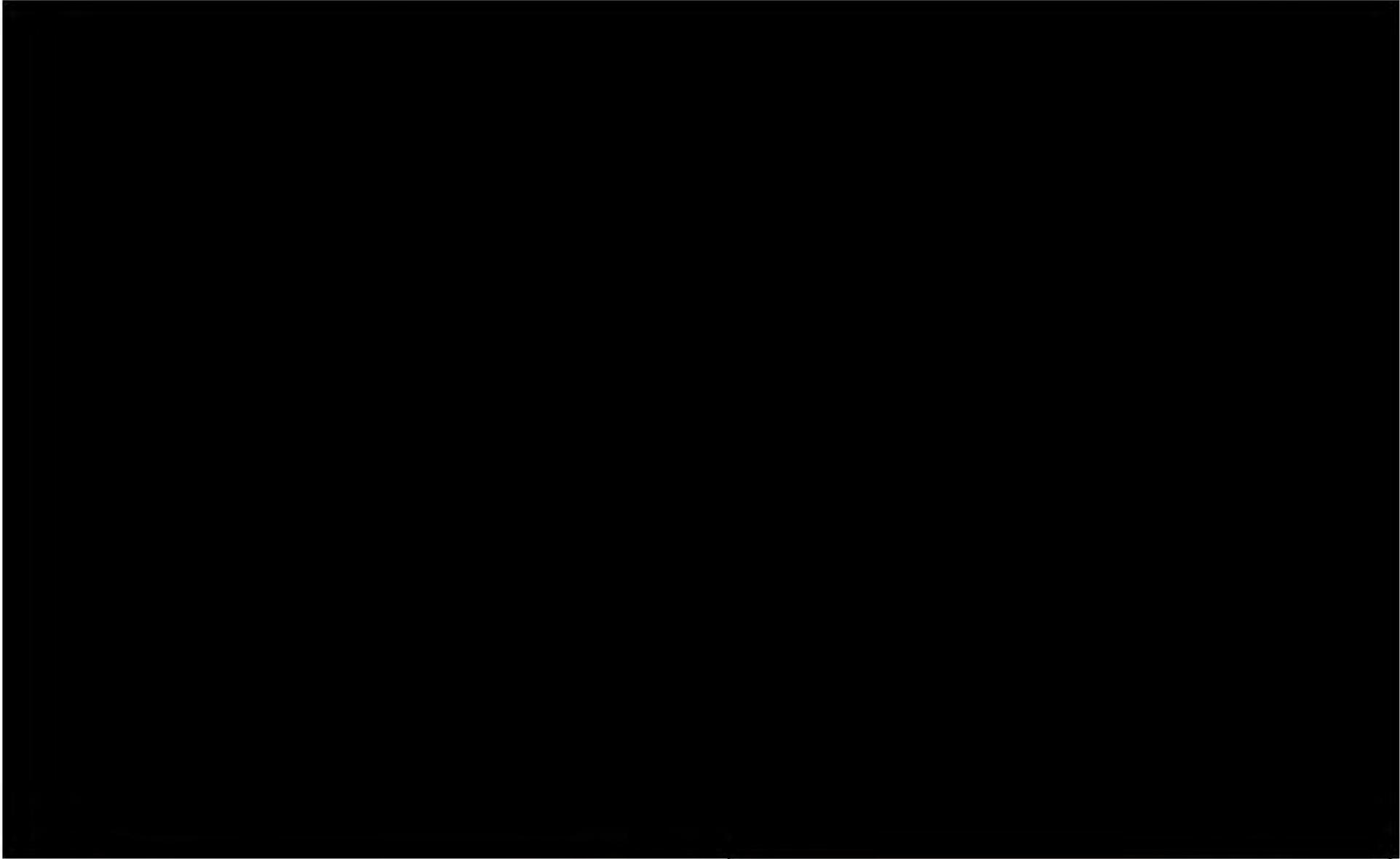
Figure 5-2 Aboriginal heritage transects

6. Aboriginal cultural heritage aspects and impacts

The potential for Aboriginal cultural heritage impacts was considered in Chapter 19 of the Western Sydney Airport EIS and in Chapter 13 and Technical Paper 5 of the SMWSA EIS. It has also been summarised in Section 6 of this CEMP. A risk assessment has been undertaken for the associated risks, with appropriate mitigation measures and controls included in Section 7.

6.1. Aboriginal cultural heritage aspects

Construction of the Project will require ground disturbance and excavation throughout the construction impact zone, with the potential to disturb both known and unknown sites and places of Aboriginal cultural significance. Key construction activities that have the potential to disturb or impact on sites of Aboriginal cultural heritage sensitivity include the following:

- Detailed site investigations and subsequent clearance works;

- Provision and use of construction haul roads to support construction;

- Relocating, adjusting and protecting utilities and services affected by the proposed action;

- Supplying power, water and other utilities to construction sites and other areas within the construction footprint;

- Vegetation clearance and grubbing (as required)

- Establishment of construction sites.

- Excavations and earthworks;

- Construction of the rail alignment including earthworks for the transition of the rail alignment from surface to in-cutting to in-tunnel;

- Tunnel boring machine (TBM) launch

- TBM support including maintenance and spoil handling

- Construction of the tunnel portal

- Construction of Airport Terminal and Business Park Station structures, finishes and fitout;

- Construction of an access road to Airport Business Park Station from Badgerys Creek Road;

- Finishing works;

- Activities required for the production and storage of viaduct and tunnel lining segments, including concrete batching, site offices and construction worker car parking;

- Potential permanent placement of spoil.

6.2. Aboriginal cultural heritage impacts

The topography of the WSA CIZ Stage 1 Airport Site has been transformed into a level and graded platform for construction of airport facilities during the Rail Development. This will alter and remove the natural topography of the land that acts as a medium for Aboriginal people to 'read' and experience the Aboriginal cultural values of the land.

The Survey and Salvage Plan (SSP) (Appendix B) outlines the requirements for the evaluation of areas within the construction footprint for works covered by this CEMP to determine the extent of known and potential sites

and the salvage of material prior to construction. In addition, a Topsoil Protocol has been developed in consultation with the Aboriginal stakeholders for the management of topsoil containing relatively high artefact density, refer Appendix A.

This ACHCEMP will only address those RCIZ on-airport sites which are not included within the WSA Stage 1 CIZ, as all of these sites have already been cleared during Stage 1 works which is shown in Figure 6-1.

Figure 6-1 Areas of Archaeological survey for Stage 1 Development
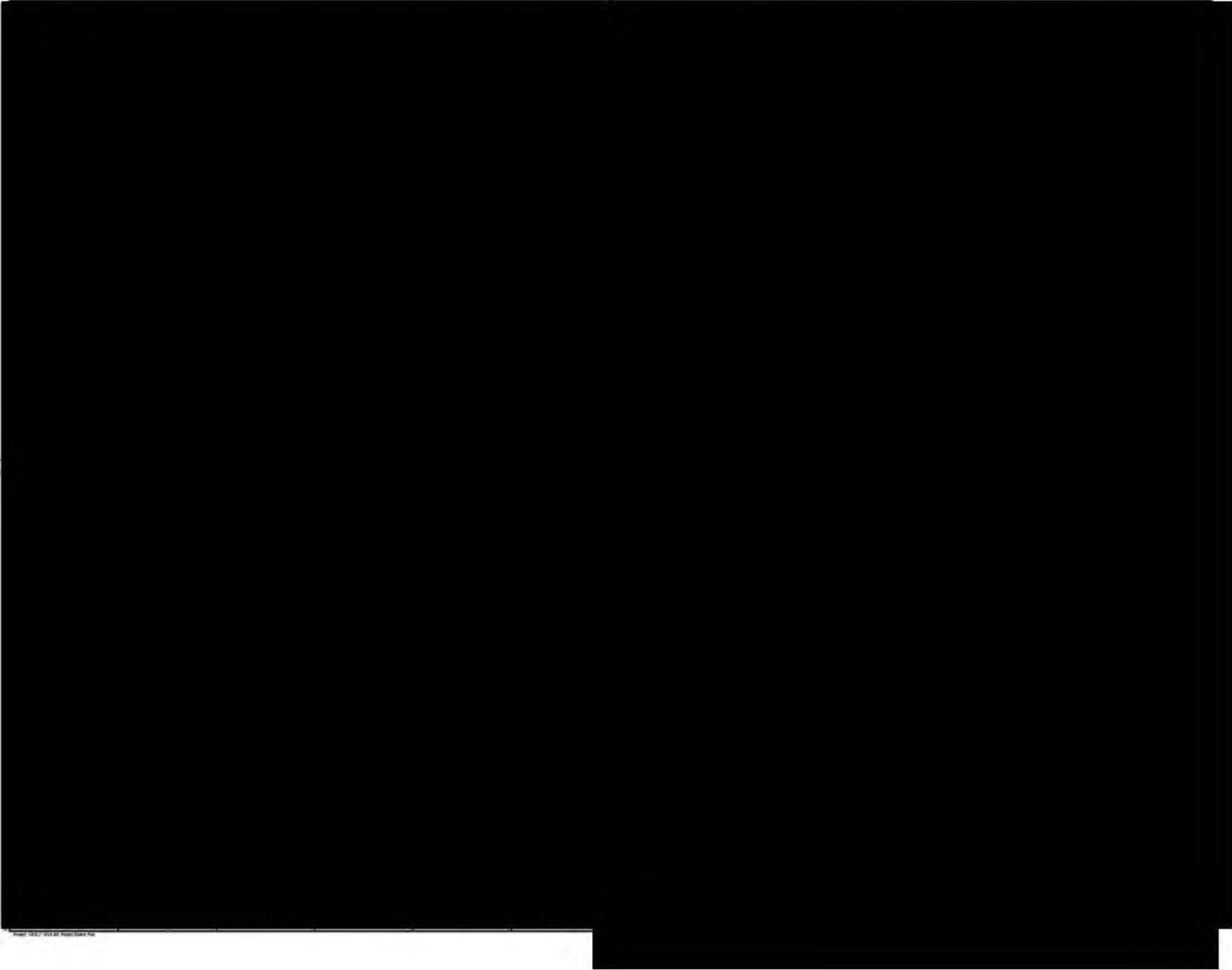
6.3. Environmental Risk Assessment

A risk assessment has been undertaken as part of the review and development of this CEMP and in accordance with the Environmental risk analysis process in Chapter 26 of the SMWSA EIA. The parts of the overall risk assessment relevant to Aboriginal Cultural Heritage have been extracted and summarised in Table 6-1 applies to all phases of works that the Construction (Rail) Plan authorises.
The identification of construction activities and associated impacts that could eventuate during construction of the Project is central to the selection of appropriate environmental safeguards.

The risk management process involved an assessment of all specific Project activities/aspects in or near environmentally sensitive areas and resulted in the development of a list of environmental risks (effects and impacts) and a corresponding risk mitigation strategy and risk ranking.
The identification of risks included a review of the works, and review of the environmental risks identified by the WSA EIS. The mitigations in the risk assessment are in line with the WSA EIS mitigation measures in Chapter 7, Table 7-1.

6.3.1. Risk Assessment process

The following tables outline the risk assessment process using 3 steps to identify the appropriate management measures required.
Table 6-1 is used to determine the likelihood that the aspect will have an impact on the environment. Table 6-2 is used to determine the potential consequence rating of the risk identified.
From these two tables, a risk rating can then be assigned using Figure 6-1 to determine the potential severity of the risk and the appropriate management response as per Table 6-4.

Table 6-1 Likelihood descriptor

Rating	Likelihood	Description
A	Rare / improbable	• The event may only occur in exceptional circumstances.
B	Unlikely / remote	• The event may occur at some time (about once every five years).
C	Possible	• The event is likely to occur at some time (about once every year).
D	Likely	• The event will probably occur in most circumstances (at least once every six months).
E	Almost certain	• The event is expected to occur in most circumstances (at least once every month).

Table 6-2 Consequence descriptor

Rating	Consequence Description (impact)	
1	Insignificant/ Negligible	• Short-term disturbance with minor environmental release or damage that is non-reportable.

Rating	Consequence Description (impact)	
	(1-3)	• No impact outside site boundary. • No community complaints or media reports.
2	Minor/low (4-10)	• Minor violation of regulation or guideline with minimal damage to the environment and small clean-up. • Immediately contained on site. • Local government action, minor community complaints. • Potential or actual breach of legislation.
3	Moderate (11-15)	• Violation of regulation or guideline with moderate temporary damage to the environment and significant clean-up costs. • Release of pollution off site. • Detrimental media reports, community concerns and complaints.
4	Major / High (16-22)	• Major environmental damage with potentially permanent consequences. • Release of pollution off site. Significant loss of environmental resources. • Detrimental media reports in the national or state media, organised community concern. • High likelihood of fine or court action.
5	Catastrophic / Priority (23-25)	• Long-term environmental harm. • Permanent irreparable damage to the environment. • Sustained detrimental state and national media reports. Sustained community outrage. • Penalty Infringement Notice/court action.
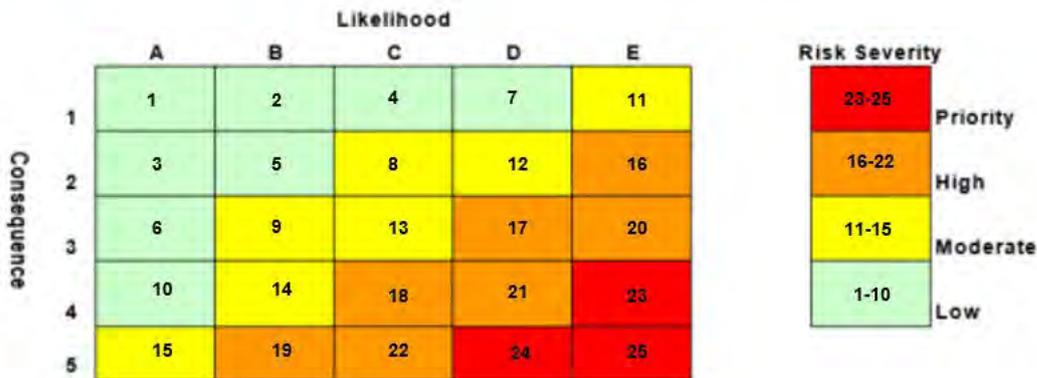
Figure 6-1 Risk severity ranking

Table 6-3 Risk severity and management response

Risk severity	Management response

Priority	• Immediate and detailed management action required. (e.g. stop or change activity)
High	• Priority management action warranted
Moderate	• Management action warranted
Low	• Management action should be considered, particularly for low-level impacts that nevertheless occur on a continual basis

Table 6-4 Aboriginal Cultural Risk Assessment

Ref	Activity	Construction aspect	Environmental aspect	Potential impact	Risk level[2] pre-mitigation	Mitigation measure[1]	Risk level[2] post-mitigation	Management tools
01	Preconstruction Aboriginal Heritage Investigations and recordings	Preconstruction works	Surface sandstone outcrops	Damage / loss of unknown heritage items, loss of history	(Low) (9)	AH_09 AH_10	(Low) (6)	• Aboriginal Cultural Heritage CEMP • European and other Heritage CEMP • Biodiversity CEMP • EWMS • Complaints Procedure • Induction • ESCPs • ECM
02			Subsurface objects/sites/human remains	Damage of unknown heritage items, loss of history, cultural value loss and generational sensitivities	(Low) (9)	AH_09 AH_13 AH_14 AH_15 AH_16	(Low) (6)	• European and other Heritage CEMP • Aboriginal Cultural Heritage CEMP • Biodiversity CEMP • EWMS • Soil and Water CEMP • Complaints Procedure • Induction • ESCPs • ECM

Ref	Activity	Construction aspect	Environmental aspect	Potential impact	Risk level[2] pre-mitigation	Mitigation measure[1]	Risk level[2] post-mitigation	Management tools
03	Preconstruction Aboriginal Heritage Investigations and recordings (continued)	Preconstruction works (continued)	Understanding of the Aboriginal history and use of the area	Loss of Aboriginal history	(Low) (9)	AH_12	(Low) (6)	• European and other Heritage CEMP • Aboriginal Cultural Heritage CEMP • Biodiversity CEMP • EWMS • Complaints Procedure • Induction • ESCPs • ECM
04	Site Compound establishment	Site construction staff / visitors	Damage to cultural heritage or values	Damage to known Aboriginal heritage areas, loss of cultural heritage values	(Low) (9)	AH_01 AH_15 AH_18	(Low) (6)	• Aboriginal Cultural Heritage CEMP • European and other Heritage CEMP • Biodiversity CEMP • EWMS • Soil and Water CEMP • Complaints Procedure • Induction • Erosion and Sedimentation Control Plans (ESCPs) • Environmental Control Map (ECM) • Topsoil protocol

Ref	Activity	Construction aspect	Environmental aspect	Potential impact	Risk level[2] pre-mitigation	Mitigation measure[1]	Risk level[2] post-mitigation	Management tools
05		Topsoil stripping	Damage to cultural heritage or values	Damage/loss to previouslyunknown heritage items, loss of history	(Low) (9)	AH_09 AH_13 AH_14 AH_15 AH_16 AH_17	(Low) (6)	• Aboriginal Cultural Heritage CEMP • European and other Heritage CEMP • Biodiversity CEMP • EWMS • Soil and Water CEMP • Complaints Procedure • Induction • ESCPs • ECM • Unexpected finds protocol • Topsoil protocol
06		Potholing / service locating and trenching	Unexpected heritage finds	Damage/loss to previouslyunknown heritage items, loss of history	(Low) (9)	AH_09 AH_13 AH_14 AH_15 AH_16	Low (6)	• Aboriginal Cultural Heritage CEMP • European and other Heritage CEMP • Biodiversity CEMP • EWMS • Soil and Water CEMP • Complaints Procedure • Induction • ESCPs • ECM • Unexpected finds protocol

Sydney Metro – Integrated Management System (IMS)
(Uncontrolled when printed)

Ref	Activity	Construction aspect	Environmental aspect	Potential impact	Risk level[2] pre-mitigation	Mitigation measure[1]	Risk level[2] post-mitigation	Management tools
07	Clearing and grubbing	Topsoil stripping throughout main alignment	Unexpected heritage finds	Damage / loss of unknownheritage items, loss of history	Low (9)	AH_09 AH_13 AH_14 AH_15 AH_16 AH_17	Low (6)	• Aboriginal Cultural Heritage CEMP • European and other Heritage CEMP • Biodiversity CEMP • EWMS • Soil and Water CEMP • Complaints Procedure • Induction • ESCPs • ECM • Unexpected finds protocol • Topsoil protocol

Ref	Activity	Construction aspect	Environmental aspect	Potential impact	Risk level[2] pre-mitigation	Mitigation measure[1]	Risk level[2] post-mitigation	Management tools
08	Earthworks	Excavation	Unexpected heritage finds	Damage / loss of unknown heritage items, loss of history	Low (9)	AH_09 AH_13 AH_14 AH_15 AH_16	Low (6)	• Aboriginal Cultural Heritage CEMP • European and other Heritage CEMP • Biodiversity CEMP • EWMS • Soil and Water CEMP • Complaints Procedure • Induction • ESCPs • ECM • Unexpected finds protocol
09		Stockpiling materials	Unexpected heritage finds	Damage / loss of unknownheritage items, loss of history	Low (9)	AH_16	Low (6)	• Aboriginal Cultural Heritage CEMP • European and other Heritage CEMP • Biodiversity CEMP • EWMS • Soil and Water CEMP • Complaints Procedure • Induction • ESCPs • ECM • Unexpected Finds Protocol

Ref	Activity	Construction aspect	Environmental aspect	Potential impact	Risk level[2] pre-mitigation	Mitigation measure[1]	Risk level[2] post-mitigation	Management tools
10	Construction of environmental controls	Sediment basin construction	Unexpected heritage finds	Damage / loss of unknownheritage items, loss of history	Med (14)	AH_15 AH_16	Low (10)	• Aboriginal Cultural Heritage CEMP • European and other Heritage CEMP • Biodiversity CEMP • EWMS • Soil and Water CEMP • Complaints Procedure • Induction • ESCPs • ECM • Unexpected Finds Protocol
11		Installation of sediment fences	Unexpected heritage finds	Damage / loss of unknownheritage items, loss of history	Med (14)	AH_15 AH_16	Low (10)	• Aboriginal Cultural Heritage CEMP • European and other Heritage CEMP • Biodiversity CEMP • EWMS • Soil and Water CEMP • Complaints Procedure • Induction • ESCPs • ECM • Unexpected Finds Protocol

Ref	Activity	Construction aspect	Environmental aspect	Potential impact	Risk level[2] pre-mitigation	Mitigation measure[1]	Risk level[2] post-mitigation	Management tools
12	Utility works (Gas, water, power)	Potholing and trenching	Unexpected heritage finds	Damage / loss of unknownheritage items, loss of history	Low (5)	AH_09 AH_13 AH_14 AH_15 AH_16	Very Low (3)	• Aboriginal Cultural Heritage CEMP • European and other Heritage CEMP • Biodiversity CEMP • EWMS • Soil and Water CEMP • Complaints Procedure • Induction • ESCPs • ECM • Unexpected Finds Protocol
13	Tunnelling	TBM launch dive Excavation to tunnel depth Cross passage works Stub tunnel excavation	Unexpected heritage finds	Damage / loss of unknownheritage items, loss of history	Low (5)	AH_09 AH_13 AH_14 AH_15 AH_16	Very Low (3)	• Aboriginal Cultural Heritage CEMP • European and other Heritage CEMP • Biodiversity CEMP • EWMS • Soil and Water CEMP • Complaints Procedure • Induction • ESCPs • ECM • Unexpected Finds Protocol

Ref	Activity	Construction aspect	Environmental aspect	Potential impact	Risk level[2] pre-mitigation	Mitigation measure[1]	Risk level[2] post-mitigation	Management tools
14	Tunnelling	Spoil transport from tunnel to permanent spoil placement Conveyor	Unexpected heritage finds	Damage / loss of unknownheritage items, loss of history	Low (5)	AH_09 AH_13 AH_14 AH_15 AH_16	Very Low (3)	• Aboriginal Cultural Heritage CEMP • European and other Heritage CEMP • Biodiversity CEMP • EWMS • Soil and Water CEMP • Complaints Procedure • Induction • ESCPs • ECM • Unexpected Finds Protocol

1 Refer to Table 7-1 for mitigation measures and controls
2 Derived from risk assessment process detailed in the SEMF Appendix G

7. Environmental Control measures

A range of environmental requirements and control measures are identified in various environmental documents, including the WSA EIS, SMWSA EIA and the Airport Plan Conditions. The specific measures and requirements to address impacts on Aboriginal cultural heritage during construction are outlined in Table 7-1. These measures and requirements take into account the mitigation measures in Table 28-13 in Chapter 28 of the WSA EIS as well as the mitigation measures in Table 8-3 in the SMWSA EIA.

The relevant control measures will be included in the site-specific Environmental Work Method Statement (EWMS) and Environmental Control Map (ECM) – refer to Section 3.6 of the CEMF for further detail.

Table 7-1 Aboriginal Cultural Heritage management and mitigation measures

Ref	Measure / Requirement	When to Implement	How to Implement	Responsibility for Implementation	Reference
Aboriginal stakeholder consultation					
AH01	The Aboriginal Cultural Heritage CEMP will contain an Aboriginal stakeholder consultation and engagement plan that specifies the nature and frequency of consultation throughout the design and construction phase for the proposed airport. The aims of the consultation are to:	Preconstruction Construction	The Aboriginal Stakeholder Consultation and Engagement Plan prepared in consultation with Aboriginal stakeholders for the WSA Stage 1 development will be followed	WSA Co SMWSA as required	WSA EIS Table 28-12
AH02	Inform on, and provide an opportunity for feedback regarding, all matters relating to the mitigation and management of Aboriginal cultural heritage values across the Airport Site;	Preconstruction Construction	Aboriginal Stakeholder Consultation and Engagement Plan to be followed		WSA EIS Table 28-12
AH03	Provide a forum for organising future stakeholder participation in mitigation and management activities;	Preconstruction Construction	Aboriginal Stakeholder Consultation and Engagement Plan to be followed		WSA EIS Table 28-12
AH04	Provide opportunities to comment on all policy and documentation drafted regarding the mitigation and management of Aboriginal cultural values;	Preconstruction Construction	CEMP preparation with the review of the SSP in accordance with the Aboriginal Stakeholder Consultation and Engagement Plan		WSA EIS Table 28-12

AH05	Provide an opportunity for Aboriginal stakeholders to participate in field actions involving the mitigation and management of Aboriginal cultural values.	Preconstruction Construction	Implementation of the SSP with Aboriginal stakeholders in accordance with the Aboriginal Stakeholder Consultation and Engagement Plan		WSA EIS Table 28-12
AH06	The Aboriginal stakeholder consultation and engagement plan will be developed in conjunction with the broader Community and Stakeholder Engagement CEMP as outlined below.	Preconstruction	The Aboriginal Stakeholder Consultation and Engagement Plan was prepared in consultation with Aboriginal stakeholders for the WSA Stage 1 development		WSA EIS Table 28-12
Conservation of heritage sites					
AH07	The possible scarred tree (B40) and the grinding groove site (B120) will be conserved in situ within an Environmental Conservation Zone at the Airport Site. A low barrier fence, which does not obstruct pedestrian traffic, will be erected around specific heritage sites as necessary to demarcate the area as a no-go zone for vehicles. The barrier will be situated so that it does not intrude upon the immediate visual and landscape quality of the heritage sites and their surrounds.	Preconstruction Construction	Fencing in place. Include details on the ECM and access requirements (e.g. Permit to enter). Project induction to identify the ECZ as a no go area.	AEW, SCAW, SBT, SSTOM	WSA EIS Table 28-12
AH08	The Environmental Conservation Zone will be managed for the protection and conservation of known and predicted Aboriginal heritage sites and values consistent with the objectives of that zone to enhance, restore and protect the cultural values of the land.	Preconstruction Construction	The importance of the ECZ will be included in toolboxes and the site induction. Project induction to identify the ECZ as a no go area Include details on the ECM and access requirements (egg. Permit to enter).	AEW, SCAW, SBT, SSTOM	WSA EIS Table 28-12
Recording and salvage of heritage sites					
AH09	A targeted and selective archaeological surface survey will be conducted within those areas of the construction impact zone not previously subject to surface survey (and excluding highly disturbed areas) before commencement of Main Construction Works. The aim of this survey is to identify all visible surface Aboriginal sites for	Preconstruction	A targeted archaeological survey and salvage has been completed in relation to the WSA area (stage 1). For works within SMWSA construction support sites survey and salvage will be conducted in accordance with the SSP (Appendix B).	Sydney Metro	WSA EIS Table 28-12

	recording and management prior to commencement of Main Construction Works.				
AH10	A comprehensive archaeological inspection of surface sandstone outcrops across the construction impact zone will be conducted before activities related to Main Construction Works. This action has the aim of appropriately recording and salvaging stone surfaces with evidence of Aboriginal markings.	Preconstruction	The requirement for the archaeological inspection of surface sandstone outcrops will be addressed in the SSP (Appendix B). Where required, surface sandstone outcrops with Aboriginal markings will be recorded and salvaged. .	Sydney Metro	WSA EIS Table 28-12
AH11	Archival recording of the possible scarred tree (B40) and grinding groove site (B120) will occur before the start of any ground disturbance works within the area of these Aboriginal heritage sites or before Main Construction Works commence, whichever occurs first. This has the objective of providing a baseline record and information upon which to develop a conservation management plan for these sites.	Preconstruction	Archival recording of B40 and B120 completed. A Conservation Management Plan will be developed by WSA in consultation with Aboriginal stakeholders.	WSA – Conservation Management Plan	WSA EIS Table 28-12
AH12	An oral history will be recorded with the aim of preserving memories and stories from Aboriginal people relating to the Airport Site and its district. It is intended that this record would serve as an archive and a resource for future interpretation of the Aboriginal heritage values of the site.	Preconstruction	An Oral History Plan has been prepared in consultation with Aboriginal stakeholders by WSA.	WSA	WSA EIS Table 28-12

AH13	A selective salvage programme will be conducted of surface artefacts recovered across known Aboriginal artefact occurrences in the construction impact zone, with the aim of avoiding damage from activities related to the Main Construction Works. This action would address strongly held concerns of Aboriginal stakeholders about the protection of artefacts from construction impacts. The collection programme will be conducted using an archaeological methodology and the resulting assemblage will be integrated into the archaeological analysis of salvaged material where appropriate.	Preconstruction	A surface salvage program has been conducted for SM - WSA RCIZ. Where required, a salvage programme will be conducted by SMWSA contractors in accordance with the SSP (Appendix B).	Sydney Metro	WSA EIS Table 28-12
AH14	A selective archaeological salvage programme will be conducted in the construction impact zone. The objective of the programme is to manage impacts to archaeological or scientific values by recovering and analysing a representative sample of surface and subsurface archaeological material from the areas subject to construction impact. The programme will aim to: • recover archaeological material from all landform types based on a systematic and representative sampling matrix; • recover additional archaeological material from areas with assessed relatively higher archaeological value, with the objective of providing a large enough artefact population for statistical analysis and from which robust results can be derived; and • apply archaeological excavation methodologies which are appropriate to the expected archaeological resource and the objectives of the	Preconstruction	A selective archaeological salvage program has been conducted for the WSA Stage 1 development. Prior to ground disturbance by SMWSA in other areas of the Project, for a selective archaeological salvage programme will be carried out in accordance with the SSP (Appendix B). SMWSA will meet WSA requirements.	Sydney Metro	WSA EIS Table 28-12

	salvage. As part of designing the salvage programme, consideration will be given to the feasibility of integrating relevant and existing geotechnical data into the process of determining the location and scope of the salvage programme				
No-go zones					
AH15	Sensitive areas must be delineated on environmental constraints plans and EWMSs and to ensure they are not subject to disturbance during construction.	Preconstruction Construction	Identify no-go zones in ECM, EWMSs and site inductions. Establish low barrier fencing with buffer around no-go zones. This will be particularly important for the permanent spoil placement area adjacent to the ECZ	All Contractors	Good practice
Protocols for discovery of artefacts and human remains					
AH16	Protocols will be developed and implemented for the unanticipated discovery of Aboriginal objects, and for the discovery of any suspected human remains for all Main Construction Works involving ground disturbance.	Preconstruction Construction	Protocols for the discovery of human remains and artefacts have been developed – Refer to the WSA Unexpected Finds Protocols Procedure (Appendix E).	All Contractor	WSA EIS Table 28-12 SMWSA EIA-Table 8-3 AH8
AH17	A protocol will be developed for the management of topsoil assessed as likely to contain a relatively high density of Aboriginal artefacts, and which would otherwise be impacted by construction activities. The aim of this protocol is to manage excavation, storage and placement of this material in a culturally appropriate manner that minimises potential impact to the Aboriginal cultural values resident in these artefacts from activities related to Main Construction Works. Any excavated material will be placed within the Environmental Conservation Zone where possible, until a long-term care and control agreement. The protocol will be developed in consultation with Aboriginal stakeholders	Preconstruction Construction	A protocol for the management of topsoil assessed as likely to contain a relatively high density of Aboriginal artefacts has been developed in consultation with Aboriginal Stakeholders, refer to Appendix B. Whether topsoil recovery is required will be determined by the SM - WSA heritage specialist in accordance with the protocol.	AEW SCAW	EIS Table 28-12
Induction training					

AH18	Training in the identification of Aboriginal artefacts and management of Aboriginal heritage values will be included in compulsory induction courses for site workers. The content of this component will vary according to the stage of construction. After the completion of major cut and fill actions, raining may focus on the management of spoil where there is a risk of impacting artefacts, and on no-go areas, where relevant.	Preconstruction Construction	Site induction training will be included in the project site induction which is mandatory for all employees and contractors working on site. Additional specific training will be conducted for the management of aspects of this CEMP (e.g. Artefact identification) (refer to Section 11).	All Contractors	WSA EIS Table 28-12
Commemoration of Aboriginal heritage					
AH19	The Aboriginal cultural heritage values of the Airport Site will be commemorated. Options for consideration may include: • The use of Darug words and language in the naming of places and infrastructure; • The dedication of various spaces and places for the placement of art and interpretive elements, storage and display of cultural items, and/or the conduct of cultural activities; and • The provision of public access and interpretive facilities at Aboriginal sites conserved in situ within the Environmental Conservation Zone (such as for sites B40 and B120), subject to safety and security requirements.	Preconstruction Construction	Aboriginal Stakeholder Consultation and Engagement Plan (Appendix B). Implement commemoration options developed in conjunction with the Aboriginal Stakeholders groups.	SSTOM Design Team	WSA EIS Table 28-12
Curation and repatriation of heritage items					
AH20	One or more areas of open ground will be reserved within the Environmental Conservation Zone, as required, and managed for the primary purpose of repatriation of salvaged Aboriginal cultural material through reburial. The area(s) will be selected and managed in consultation with Aboriginal stakeholders. This provision is to accommodate the repatriation of cultural material for which it is not considered necessary by Aboriginal stakeholders to store above-ground, or	Preconstruction Construction		Sydney Metro in consultation with WSA	WSA EIS Table 28-12

	to retain access for cultural purposes, interpretation, education or research.				
AH21	Following the completion of archaeological description and analysis, Aboriginal cultural material salvaged from the Airport Site will, in the first instance, be stored at an appropriate place to be determined in consultation with Aboriginal stakeholders and relevant government agencies.	Preconstruction construction	Storage facility on site for secure temporary storage of found or recovered artefacts. Aboriginal Stakeholder Consultation and Engagement Plan (Appendix B)	Sydney Metro in consultation with WSA	WSA EIS Table 28-12
AH22	The longer term storage of material not to be repatriated through reburial, and potentially material salvaged from other developments in Western Sydney and the Cumberland Plain, will be managed in consultation with Aboriginal stakeholders, the NSW Office of Environment and Heritage, and relevant Australia and local government agencies, with the aim of establishing, with the support and collaborative action of government and other stakeholders, an Aboriginal cultural heritage 'keeping place' that would provide secure, above ground storage of artefacts and enable future access for cultural purposes, interpretation, education or research.	Construction Post-Construction	Develop a long-term curation and storage plan with Aboriginal stakeholders, Heritage NSW and relevant Australia and local government agencies – Refer to Section 8.6. WSA will work collaboratively with the Infrastructure Department during consultation on a potential Aboriginal cultural heritage Keeping Place. SMWSA will liaise with WSA.	Sydney Metro in consultation with WSA	Condition 11 (4) Airport Plan)

8. Aboriginal cultural heritage management

8.1. Protection of Aboriginal heritage sites

Known Aboriginal heritage sites will be clearly marked with an appropriate buffer area of star pickets and high visibility flagging tape to ensure that no impacts can occur to these sites. Appropriate signage (e.g. no-go signs) will be displayed on the fencing and a permit to enter the area will be required to be issued by the Sydney Metro Environment Manager. The location of the no-go area will be identified on ECM where work will be occurring adjacent to, or near the area. The contractor environmental advisor will monitor the sites during the weekly inspections.

8.2. Impact to Aboriginal sites

If Aboriginal heritage sites or objects are disturbed or harmed, the Sydney Metro Environment Manager will advise the WSA Environment Manager, the Infrastructure Department and the Airport Environment Officer as per the AEPR Section 4.05 requirement. A no-go zone will be established until the area can be inspected and advice sought from the Infrastructure Department on how to proceed.

8.3. Unexpected finds protocol

All Contractors will be responsible for implementing the WSA Unexpected Finds Protocol (SEMF Appendix I (WSA00-WSA-00000-EN-PRO-000001)) which details measures to be undertaken if Aboriginal heritage not previously recorded at the airport site are detected during Project Construction Works.

8.4. Discovery of human remains protocol

If any suspected human remains are discovered within the Project, all work in the immediate will cease. The following process will be undertaken:
- Immediately cease all work at that location and do not move or disturb the remains.
- Notify the Sydney Metro Environment Manager as soon as practicable who in turn will immediately notify the Infrastructure Department and the Federal Police, providing details of the remains and their location.
- Establish an appropriate no-go area. This will need to be established in consultation with Federal Police and the Infrastructure Department, and if necessary, a qualified archaeologist.
- Works will not be able to recommence within the location of the find until confirmation from the Federal Police and the Infrastructure Department is obtained. If the remains are confirmed as not being human, then works may recommence. If remains are human then consultation, with the Federal Police, the Infrastructure Department and relevant parties which may include Aboriginal stakeholders to establish a plan of management.
- Works in the vicinity of the find will only be able to commence once the plan of management has been established and approval has been obtained from all relevant authorities.
- Should any human remains be identified, unless otherwise agreed by the Approver, this will trigger a review of this CEMP in accordance with CEMF Section 9.2.

8.5.   Survey and salvage

Relevant survey and salvage requirements set out in the Survey and Salvage Plan are to be completed prior to construction. This occurred for the early earthworks area and will occur for Bulk Earthworks prior to ground disturbance.

8.6.   Long term management of Aboriginal heritage items

As per the works completed for WSA CIZ Stage 1, following the completion of archaeological description and analysis, Aboriginal cultural material salvaged from the Airport Site will, in the first instance, be stored at an appropriate place to be determined in consultation with Aboriginal stakeholders and relevant government agencies. The longer term storage of material not to be repatriated through reburial, and potentially material salvaged from other developments in Western Sydney and the Cumberland Plain, will be managed in consultation with Aboriginal stakeholders, Heritage NSW, and relevant Australia and local government agencies, with the aim of establishing, with the support and collaborative action of government and other stakeholders, an Aboriginal cultural heritage 'keeping place' that would provide secure, above ground storage of artefacts and enable future access for cultural purposes, interpretation, education or research. Consultation on with stakeholders will be conducted in accordance with the SM - WSA Aboriginal Stakeholder Consultation and Engagement Plan and the Community Communications Strategy.

9. Environmental roles and responsibilities

The key environmental management roles and responsibilities for the construction phase of the work are detailed in both Section 4.5 of the SM CEMF.

Sydney Metro will ensure enough resources are allocated on an ongoing basis to ensure effective implementation by both Sydney Metro and the responsible contractors.

Aboriginal Engagement Manager
The Aboriginal Engagement Manager will act as the main point of contact between Aboriginal Stakeholders and Contractors. They will coordinate and administer fieldwork participation adhering to the requirements of the Aboriginal stakeholder consultation and engagement plan and the Aboriginal Cultural Heritage CEMP.

Heritage Consultant
The Heritage Consultant will undertake survey and salvage works required as part of the Aboriginal Cultural Heritage CEMP and Survey and Salvage Plans.

10.   Environmental inspection, monitoring, auditing and reporting

Monitoring, inspection and auditing will be undertaken to measure effectiveness and facilitate continuous improvement of Aboriginal cultural heritage management and mitigation.
General environmental monitoring, inspection and auditing requirements are summarised in Section 3.16 of the SM CEMF.

A summary of the environmental inspection, monitoring and auditing requirements is provided below, with details of how they apply to Aboriginal cultural heritage management where applicable.

10.1.   Environmental inspections

10.1.1. Sydney Metro environmental site inspections

Environmental site inspections at active, exposed work sites will be undertaken by the Sydney Metro Environment Manager (or delegate) on a monthly basis with relevant construction personnel to evaluate the effectiveness of environmental controls implemented by the contractor.

The monthly site inspection is to include a visual inspection of general construction activities and any Aboriginal cultural heritage management mitigation measures and or controls, including but not limited to the following:

- Observation of Aboriginal cultural heritage management and mitigation measures and controls, including exclusion fencing and site protection.
- Observation that works remain within the designated construction impact zone to ensure there is no deliberate or inadvertent harm to cultural heritage.
- Ensure that site personnel are aware of the measures and requirements under the unexpected finds protocol.

Personnel undertaking inspections will be made aware of sensitivities regarding taking photographs of areas and items of archaeological significance. The findings of the SMWSA site environmental inspection will be recorded on a SMWSA Site Environmental Inspection Checklist with an accompanying photographic style inspection report. Personnel undertaking inspections will be made aware of sensitivities regarding taking photographs of areas and items of archaeological significance.

10.1.2. Contractor environmental inspections

Regular site inspections will be undertaken to monitor compliance with this Plan at active, exposed work sites. Inspection results will be recorded, and the inspection log made available to the Infrastructure Department upon request. Any non-conformance or improvement opportunities associated with Aboriginal cultural heritage matters will be reported in the monthly report and discussed at the Environmental Coordination meeting.

More frequent site inspections by the person accountable for Aboriginal cultural heritage issues will be conducted onsite following the identification of any actual or potential unexpected finds.
The Contractor's Environmental Manager and/or Environmental Coordinators will undertake inspections in accordance with the Contractor Environmental Management Framework. The Contractor's Environmental Coordinators will record inspection findings on an inspection checklist form.

If any maintenance and/or deficiencies in environmental controls or in the standard of environmental performance are observed, they will be recorded on the checklist form. Records will also include details of any maintenance required, the nature of the deficiency, any actions required and an implementation priority.

10.1.3. Pre-start inspection

Prior to the commencement of works on each shift, an informal inspection will be carried out by the relevant contractor and will include a check of relevant environmental and cultural heritage controls and resources required to ensure effective operation and maintenance. This is to include an inspection of relevant Aboriginal cultural heritage management mitigation measures and controls where applicable. Works are not to commence unless inspections are found to be satisfactory.

The foreman will undertake the pre-work inspections.

10.2. Aboriginal cultural heritage monitoring

The following general environmental monitoring will be implemented:
- During the site inspections identified in Section 10.1, monitoring of no-go areas will be conducted and any maintenance or disturbance to the area notified to the Sydney Metro Environment Manager and any other appropriate person for action.
- Where survey and/or salvage is required monitoring will take place under the direction of an appropriately qualified person. The results of the monitoring must be kept in a written record.
- During the implementation of the topsoil protocol, monitoring will be completed under the direction of an appropriately quality person.
- The project site induction will inform all site personnel and contractors of the potential for unexpected finds. The compliance with the protocol will be managed by the Sydney Metro Environment Manager.

10.3. Environmental auditing

Refer to Section 3.16 of the SM CEMF for environmental auditing requirements, including Sydney Metro audits, independent audits and audits to be undertaken by contractors.

Auditing and subsequent reporting will be undertaken annually to ensure compliance with:
- this ACHCEMP;
- Airport Plan Conditions of Approval; and
- Condition 40.4, 40.5, 40.6 Independent audits about compliance with conditions as identified in Section 4 of this CEMP.

Sydney Metro will also undertake periodic audits of the Principal Contractor's Environment and Sustainability Management Systems (E&SMS) and compliance with the environmental aspects of contract documentation, including this ACHCEMP.

Table 10-1 Aboriginal cultural heritage reporting

Action	Scope	Timing / frequency	Responsibility
Annual reporting	Unless otherwise agreed in writing by an Approver, an annual report will be prepared in relation to compliance with this Aboriginal Cultural Heritage CEMP (Condition 39). In accordance with Condition 39 (2) WSA will publish each of the annual reports on its website within three months of the end of the period in respect of which the report was prepared, with evidence providing proof of the date of publication to the Infrastructure Department with a copy to the Environment Department.	Annually	Sydney Metro Environment Manager
Monthly compliance reporting	Provide WSA with a monthly summary of the weekly inspection outcomes with regards to the management and compliance with the relevant Aboriginal cultural heritage management mitigation measures and controls.	Monthly	Contractor
General environmental inspection	Inspection of environmental management controls on site and sighting of site documentation as required by the contractor's CEMP.	Weekly	Sydney Metro
General environmental inspection	Inspection of environmental management controls and site documentation for contractor works (as required by the contractor's CEMP).	As per Contractor environmental management system (at least weekly)	Contractor
Complaints reporting	Recording of complaints and stakeholder interactions in accordance with Community and Stakeholder Management Plan.	As required	Sydney Metro Environment Manager Sydney Metro Community and Stakeholder Manager and Contractor
Reporting of non-conformances and improvement opportunities	The management and reporting requirements of environmental non-conformances and improvement opportunities will be in accordance with Section 3.17 of the CEMF.	As required	Sydney Metro and Contractor

On-airport works approved under the Airport Plan will be subject to environmental audits and compliance audits, noting unscheduled audits may also be undertaken. The environmental audits would audit the environmental systems and on-site performance of the on-airport works of SMWSA and be undertaken on a 6 monthly basis.

10.4. Environmental reporting

General environmental reporting requirements are detailed in Section 3.18 of the SM CEMF.

In addition, a summary of reporting requirements required under this Aboriginal Cultural Heritage CEMP (including environmental reporting requirements under the Airport Plan specific to this Aboriginal Cultural Heritage CEMP) is provided below in Table 10-1.

10.5. Review of approved plans

Sydney Metro will review each approved plan at least every five years (from the date of approval) as required by the Airport Plan. A review will also be completed annually to ensure that it continues to meet the approval criteria. If the review identifies areas where the plan does not continue to meet the approval criteria for that plan, a variation to the approved plan will be prepared and submitted for approval. Once the reviewed plan is approved by the Approver, this reviewed plan will be the Approved Plan.

Sydney Metro may initiate reviews of Approved Plans at other times in response to improvement opportunities, non-conformances, and changes to scope of work or construction methodology or alterations to legal or contractual requirements.

If there is a material change to a WSA CEMP which impacts on an area of the Rail RCZI, then SMWSA will review their CEMPs to reflect that change addressed by the WSA review.

Any changes identified and implemented through the variation and review process identified above will be communicated to relevant contractors through re-issue of the revised Sydney Metro Approved Plan and subsequent training and awareness.

10.6. Environmental Incidents and complaints management

The management and reporting of environmental incidents shall be undertaken by the appropriate person as detailed in Section 3.17 of the SM CEMF.

All communications and complaints management will be implemented and managed in accordance with Section 4.2 and 4.3 of the SM CEMF and the Community Communications Strategy.

11. Competence, training and awareness

To ensure this Aboriginal Cultural Heritage CEMP is effectively implemented, each level of management is responsible for ensuring that all personnel reporting to them are aware of the requirements within. The Sydney Metro Environment Manager will coordinate cultural heritage training in conjunction with other training and development activities.

All competence, training and awareness requirements will be implemented as detailed in Section 3.11 the SM CEMF.

12.   References

Artefact Heritage, 2018. *Western Sydney Airport Visitors Centre and Site Accommodation: Aboriginal Heritage Desktop Assessment*

Bannerman S. and Hazelton P., 1990. *Soil Conservation Service of NSW, Sydney, Soil Landscapes of the Penrith Area 1:100,000 Sheet.*

Commonwealth Department of Infrastructure and Regional Development, 2016. *Airport Plan (December 2016)*

Commonwealth Department of Infrastructure and Regional Development, 2016. *Western Sydney Airport Environmental Impact Statement, 2016*

Department of Environment and Planning, 1984. *Sydney Region North West Sector – Regional Environmental Study Volumes 1 and 2.* Dept of Environment and Planning, Sydney.

Inventory - Known and Predicted Aboriginal Cultural Heritage Sites and Deposits, Issue 1 (as of 19 July 2018) Aboriginal Cultural Heritage Management Program Western Sydney Airport

Navin Officer, 2017. Initial Survey and Salvage Plan, Western Sydney Airport - Enabling Activities, Aboriginal Cultural Heritage Management Program,

Navin Officer, 2016. Western Sydney Airport: Aboriginal Cultural heritage assessment. Report to GHD.

Standards Australia 2001. *Australian and New Zealand environmental management international standard (AS/NZS ISO 14001)*

Appendix A Topsoil management protocol

Appendix A

Topsoil management protocol

Topsoil Protocol

Management of topsoil containing relatively high Aboriginal artefact density

Aboriginal Cultural Heritage CEMP sub-plan
Western Sydney Airport

21 September 2018

Development of the Oral History Plan, Topsoil Protocol and the Aboriginal Stakeholder Consultation and Engagement Plan was undertaken with specialist input by Navin Officer Heritage Consultants (NOHC).

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List of Tables

Document status

Status	Variation number	Date
For review	3	31/07/18
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Updated to include new logo	0.1	09/11/18

Definitions

Table 1: Table of definitions and abbreviations used

Words or abbreviations	Definition
Aboriginal stakeholders and Aboriginal community	Aboriginal stakeholders and Aboriginal community referred to in this document includes Aboriginal people who identify with the Darug linguistic group and the Cumberland Plain and other Aboriginal people who may have a cultural association with the Cumberland Plain. Aboriginal stakeholders and Aboriginal community also recognise that Aboriginal people and Torres Strait Islanders who live in Western Sydney may have a contemporary interest in cultural aspects of Western Sydney.
Aboriginal Cultural Heritage CEMP	Aboriginal Cultural Heritage Construction Environmental Management Plan as required by the Western Sydney Airport Airport Plan December 2016.
Airport Plan 2016	The instrument under the Airports Act 1996 (Cth), authorised by the Federal Infrastructure Minister in December 2016, which sets out the environmental and regulatory approvals for the development of Stage 1 of the Western Sydney Airport.
ASCEP	Aboriginal Stakeholder Consultation and Engagement Plan which is a required component of the Aboriginal Cultural Heritage Construction Environmental Management Plan under Airport Plan Condition 11.
ASF	Aboriginal Stakeholder Forum. Forums regularly hosted by the Infrastructure Department between October 2017 and August 2018 to facilitate Aboriginal stakeholder consultation relating to Western Sydney Airport Stage 1 development.
CEMP	A Construction Environmental Management Plan, required under a condition in section 3.10.2 of the Airport Plan 2016.
Construction Plan	A Construction Plan, required under Condition 1 in section 3.10.2 of the Airport Plan 2016.
Curation	The actions required to store, organise, display and manage documentary information, or a collection of cultural material. This may include the conduct of differing actions for different sub-groups of cultural material, according to the requirements specified by Traditional Owners and custodians. Potential actions may include public display, and storage in archival conditions.
EIS	The Environmental Impact Statement prepared in relation to the Western Sydney Airport under the *Environment Protection Biodiversity Conservation Act 1999 (Cth)*.
ECZ	Environmental Conservation Zone within the Western Sydney Airport site.
Indigenous	Indigenous is used in this document to describe people who are of Aboriginal or Torres Strait Islander descent and used where information has been referenced from another document or

Words or abbreviations	Definition
	publication. See also Aboriginal stakeholders and Aboriginal community, above.
Infrastructure Department	Commonwealth Department of Infrastructure, Regional Development and Cities.
Keeping Place	A 'Keeping Place' is a term generally used to describe an Aboriginal community managed space for the safekeeping of repatriated cultural material. The Airport Plan Condition 11 (4) describes a potential 'Keeping Place' in relation to Western Sydney Airport as 'an Aboriginal cultural heritage 'keeping place' that would provide secure, above ground storage of artefacts and enable future access for cultural purposes, interpretation, education or research'. Recognising that Aboriginal people will be the primary stakeholder, the purpose, form, operating model and other aspects will necessarily reflect the aspirations and decisions of the associated Aboriginal communities.
Main Construction Works	As described in the approved Construction Plan, substantial physical works on a particular part of the Airport Site (including large scale vegetation clearance, bulk earthworks and the carrying out of other physical works, and the erection of buildings and structures) described in Part 3 of the Airport Plan, other than TransGrid Relocation Works or Preparatory Activities.
OEH	NSW Office of Environment and Heritage, an agency within the NSW Department of Planning and Environment.
Selected topsoil	Topsoil which is the subject of this protocol, namely, topsoil assessed and selected for relocation on the basis that it is likely to contain a relatively high density of Aboriginal artefacts, and the topsoil would otherwise be impacted by construction activities.
Site Officer	Aboriginal stakeholder nominated representatives who are allocated to assist WSA Co or WSA Co contractors onsite in survey and salvage fieldwork programs and/or topsoil protocol implementation programs.
Topsoil Protocol	The protocol for the management of topsoil assessed as likely to contain a relatively high density of Aboriginal artefacts, and which would otherwise be impacted by construction activities, as defined in Chapter 28, Table 28-13 of the EIS.
Traditional Owners	Individuals or groups that have rights and responsibilities to an area and who have demonstrated direct descent and ongoing connection to that area.
Unexpected finds Protocol	The protocol for the management of discovery of Aboriginal objects/artefacts and suspected human remains as defined in Chapter 28, Table 28-13 of the EIS.
WSA	Western Sydney Airport
WSA Co	WSA Co Limited, a Commonwealth Company, prescribed as a Government Business Enterprise, established to develop and operate the Western Sydney Airport and who was granted the Airport Lease on 17 May 2018.

Words or abbreviations	Definition
WSA Stage 1	Western Sydney Airport Stage 1 – The development of the Western Sydney Airport as determined in the Airport Plan December 2016.

1 Introduction

In December 2016, the Federal Infrastructure Minister determined the Airport Plan, which sets the environmental and regulatory approvals for the development of Stage 1 of the Western Sydney Airport (WSA Stage 1).

In May 2017, the Australian Government announced that it would establish a company to develop and operate the airport and in August 2017, established WSA Co.

WSA Co was granted the airport lease on 17 May 2018, and as the Airport Lessee Company, is responsible for all site matters.

The impact of construction activities on the cultural values of Aboriginal artefacts that are known to remain on-site after the completion of archaeological salvage programs is an issue of major concern to Aboriginal stakeholders. This impact on cultural values is often the basis for calls to significantly increase the scope of scientific salvage, or to conduct on-site monitoring of construction related excavation. The scientific basis for the conduct of archaeological salvage programs, and inherent constraints such as sample size and provenance recording mean that such programs cannot effectively address this issue. There will always be a substantial proportion, and potentially the majority, of known or predicted cultural material left on site after the completion of scientific salvage. There are also the issues that the conduct of on-site monitoring by Site Officers of large scale earthworks is not practical and poses unacceptable personnel safety risks.

In recognition of the scale of the WSA Stage 1 development and in response to views expressed by Aboriginal stakeholders, a protocol to manage topsoil is a requirement of the WSA Stage 1 Aboriginal Cultural Heritage Construction Environmental Management Plan (CEMP) under Airport Plan Condition 11. The Topsoil Protocol is specific to the management of topsoil assessed as likely to contain a relatively high density of Aboriginal artefacts, and which would otherwise be impacted by construction activities.

The Topsoil Protocol was developed in consultation with Aboriginal stakeholders who have expressed an interest in the Aboriginal cultural heritage management program of the Western Sydney Airport development (WSA Stage 1). Comments and views were considered and addressed by WSA Co in finalising the Protocol.

The Aboriginal Cultural Heritage CEMP developed by WSA Co was submitted to an Approver in the Infrastructure Department for consideration and was approved. Approval of the Aboriginal Cultural Heritage CEMP must occur before WSA Co commences Main Construction Works for WSA Stage 1. The Construction Plan, which complies with Airport Plan Condition 1, sets out the Main Construction Works, the first phase of which is expected to commence in late September 2018.

2. Purpose

The purpose of the Topsoil Protocol is to manage the Aboriginal cultural values resident within topsoil that remains on-site after the targeted recovery of Aboriginal objects through archaeological survey and salvage excavation. The intention is that these Aboriginal cultural values will continue to be protected throughout the construction phase and operational life of the airport.

The Topsoil Protocol applies to the management of selected topsoil within the WSA Airport site, and selected topsoil relocation sites identified through implementation of the Protocol.

Implementation of the Topsoil Protocol will apply to the excavation, storage and placement of selected topsoil assessed and identified as likely to contain a relatively high density of Aboriginal artefacts, and which would otherwise be impacted by construction activities.

The development and the implementation of the approved Topsoil Protocol addresses Airport Plan Condition 11; specifically, the requirement referred to in Condition 11 as set out in EIS Table 28-13 [1]:

> A protocol will be developed for the management of topsoil assessed as likely to contain a relatively high density of Aboriginal artefacts, and which would otherwise be impacted by construction activities. The aim of this protocol is to manage excavation, storage and placement of this material in a culturally appropriate manner that minimises potential impact to the Aboriginal cultural values resident in these artefacts from activities related to Main Construction Works. Any excavated material will be placed within the Environmental Conservation Zone where possible. The protocol will be developed in consultation with Aboriginal stakeholders.

The approved Construction Plan identifies the phases of Main Construction Works and the areas for Main Construction Works relevant to applying the Topsoil Protocol.

The Topsoil Protocol establishes:

- the method and procedures for the identification, selection, excavation, storage and placement of topsoil subject to this Protocol

- mitigation measures to manage selected topsoil in a culturally appropriate manner that minimises potential impact to the Aboriginal cultural values resident in these artefacts from WSA Stage 1 Main Construction Works and

- an ongoing process of Protocol review, evaluation and revision so that the requirement for the Protocol and its implementation can be effectively applied to subsequent phases of Stage 1 Main Construction Works as set out in varied Construction Plans.

2.3 Relationship to other plans and sub-plans

The Topsoil Protocol is a sub-plan of the WSA Stage 1 Aboriginal Cultural Heritage CEMP.

It is important to note that the placement of selected topsoil in locations on the airport site may require other actions to be undertaken, and that these actions may need to be addressed in other CEMP sub-plans, as required under the Airport Plan.

A related Aboriginal Cultural Heritage CEMP sub-plan is the Aboriginal Stakeholder Consultation and Engagement Plan. This sub-plan sets out the arrangements for Aboriginal stakeholder consultation and engagement necessary to meet aspects of Airport Plan Condition 11 concerning opportunities for consultation on approaches and participation in field actions involving the management and mitigation of Aboriginal cultural heritage values.

The Topsoil Protocol needs to be implemented with due regard to the Unanticipated/unexpected finds Protocol which is a sub-plan of the Aboriginal Cultural Heritage CEMP.

Implementing the Topsoil Protocol will relate to the implementation of the Biodiversity CEMP and the Soil and Water CEMP. In the context of these CEMPs, it is important that the temporary and long-term placement of selected topsoil is effectively managed and that the management plan for the Environmental Conservation Zone identifies appropriate places and management within that Zone for the long-term placement and protection of selected topsoil. These relationships must be considered and addressed as the Topsoil Protocol is implemented.

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[1] DIRD Sep 2016, WSA EIS Volume 2b, Chapter 28-5 Construction Environmental Management Plan Framework, Table 28-13, p.38

The implementation of the Aboriginal Cultural Heritage CEMP, related CEMPs and sub plans will therefore need to consider and support further consultation and engagement with interested Aboriginal stakeholders.

3. Development of the Topsoil Protocol

3.1 Aboriginal stakeholder consultation

Requirements of Airport Plan Condition 11 include providing opportunities for feedback on the mitigation and management of Aboriginal cultural heritage values and for organising stakeholder participation in cultural heritage activities.

The Infrastructure Department, as Site Occupier, initiated consultation through Aboriginal Stakeholder Forums from October 2017 to May 2018. The consultation by the Infrastructure Department was undertaken to support early engagement with Aboriginal stakeholders on key issues relating to the Aboriginal cultural heritage program for the WSA site.

WSA Co was also involved with the Infrastructure Department in consultation and participating through Forums from airport lease grant in May 2018 to August 2018. Forums were convened by Navin Officer Heritage Consultants and related to consultation on components of the Aboriginal Cultural Heritage Management CEMP for early earthworks including:

- An Aboriginal Stakeholder Consultation and Engagement Plan

- A Survey and Salvage Plan for the conduct of initial survey and salvage (approved in December 2017 and implemented between January 2018 and August 2018), including an approved variation to the Plan in August 2018.

- A Topsoil Protocol for the management of topsoil assessed as likely to contain a relatively high density of Aboriginal artefacts, and which would otherwise be impacted by earthworks (this sub-plan)

- An Oral History Plan for the conduct of an oral history related to the airport site and its surrounding district and

- Arrangements for the temporary storage and curation of salvaged Aboriginal cultural heritage items.

Development of the Topsoil Protocol included the following consultation with Aboriginal stakeholders:

- Presentation and discussion of the protocol concept, and its possible objectives, functions and procedures at Aboriginal Stakeholder Forums 5 and 6 (28 March and 2 May 2018).

- A workshop discussion at Forum 5 on 28 March 2018 on key protocol issues and questions. The discussion and feedback sheet used at the Forum was also emailed or posted to all listed Aboriginal stakeholders inviting comment and contributions. Written stakeholder comments from the sheets, submitted at the end of the workshop or subsequently via email, were summarised and presented in Forum meetings and reflected in meeting notes.

- During this consultation, Aboriginal stakeholders raised the following:

  - Do not apply the Topsoil Protocol to archaeological deposits which will not be disturbed by construction other than being covered by fill
  - The Topsoil Protocol should only apply to deposits which will be destroyed by major earthworks

- o The Topsoil Protocol should ensure that records are kept of topsoil sources and their new placement locations
- o Topsoil from different source locations, recovered under the protocol, should be distinguishable and kept separate
- o Topsoil recovered under the protocol should be repositioned in the Environmental Conservation Zone (ECZ), or in other locations following consultation with Aboriginal stakeholders
- o The locations for repositioned topsoil should be situated away from areas of future development disturbance
- o Darug identified people have an important role in the Topsoil Protocol as the custodians of the WSA site and as Darug knowledge holders and
- o The detection and management of burials is separate to the Topsoil Protocol and must be covered under the provisions of the unexpected finds protocol.

- A draft Topsoil Protocol was presented and discussed at the Aboriginal Stakeholder Forum on 1 August 2018.

- The draft Topsoil Protocol was emailed to Aboriginal stakeholders on 2 August 2018 for comment by 15 August 2018.

- In response to stakeholder concerns about limited time to consider the draft, WSA Co extended the time for comment by an additional week to 22 August 2018.

- The Infrastructure Department also responded to a request for a workshop and arranged for workshops with stakeholders at two locations on three draft documents including this Protocol:

  - o Thursday 23 August 2018 at Shellharbour for stakeholders who had sought a workshop approach to providing comments and
  - o Tuesday 28 August 2018 at Luddenham for other regularly participating stakeholders based in Western Sydney.

- Comments and views from these workshops were presented to Stakeholders at the Aboriginal Stakeholder Forum 8 on 29 August 2018 and

- Consideration of meeting notes for Forum 8 on recording stakeholder discussion and comments.

- During this further consultation, Aboriginal stakeholders raised views and comments including:

  - o The need to identify and select topsoil recovery areas and for Site Officers to be involved
  - o The need to identify and manage relocation areas
  - o The difference between this Protocol which deals with cultural values and an archaeological methodology which is a scientifically based method
  - o Recognition that the Protocol is a new method, establishing a precedent
  - o Noted limited scope of topsoil recovery and concerns about this
  - o Allowing for the possibility of future recovery of artefacts from relocated topsoil
  - o The potential covering of relocated topsoil with a top layer of soil (unrelated to and sourced outside of the protocol) to protect the underlying deposit
  - o Potential connection of topsoil relocation sites with a Keeping Place
  - o Possible integration of placement locations with commemoration and interpretation of Aboriginal cultural values

- The importance of Site Officer participation and that Aboriginal Site Officers involved in the Topsoil Protocol would need induction training on their role. Construction workers (site workers) would also need induction training on the Topsoil Protocol and its purpose and the application of the protocol on the unexpected discovery of Aboriginal objects and human remains
- Clarifying the application of the unexpected finds protocol with the Topsoil Protocol and the triggers e.g. when would a suspected Aboriginal bone find be a trigger
- Consideration of other placement locations (onsite and offsite) if those in the Environmental Conservation Zone are too limited
- Reporting of events where the unexpected finds protocol is enacted
- Site Officer monitors should have experience including in the management of topsoil recovery
- When recovering and relocating topsoil under the Protocol there should be recording of any artefacts found so that this information can be part of the record of the topsoil i.e. this would show that artefacts are there in the topsoil
- Relocation sites need to be included in the Commonwealth site inventory and managed into the future (construction and airport operational phases)
- There is a need to address the storage of artefacts and their curation in the short term and in the longer term, including any re-location of artefacts to other parts of the WSA site such as the Environmental Conservation Zone or other parts of the site
- Whether the relocated topsoil could be part of the landscaping across the airport site
- Topsoil relocation sites could be sites for interpretation such as cultural walks and
- There should be access to placement sites for Aboriginal people e.g. access for cultural purposes and ceremonies.

WSA Co finalised the draft Topsoil Protocol in finalising the Aboriginal Cultural Heritage CEMP. The approved CEMP and related sub-plans will be implemented.

4. Implementation

4.1 Responsibility for Implementation

Under the Airport Plan, WSA Co is responsible for the implementation of the Aboriginal Cultural Heritage CEMP and its component plans and protocols, such as the Topsoil Protocol. The WSA Co Environment Manager is the accountable position for ensuring this plan is implemented as approved.

Implementation of the Topsoil Protocol as outlined below requires Aboriginal Site Officer participation to ensure cultural values are addressed and managed. Further Aboriginal stakeholder consultation and engagement may also be appropriate to address the cultural issues that may arise and so the Aboriginal community is informed about such matters and how they are being addressed.

4.2 Implementation steps

The implementation of the Topsoil Protocol is not an alternative to the conduct of archaeological survey and salvage. The conduct of selective and targeted archaeological surface survey and salvage, and selective and targeted salvage excavations and the evaluation of their findings, must be undertaken before Main Construction Works commences for each phases of construction as identified in the Construction Plan.

The results of the survey and salvage undertaken before Main Construction Works will be used to inform the predictive model for potential Aboriginal site locations within the Construction Impact Zone and across the airport site.

Implementation of the Topsoil Protocol will be necessary before the removal of bulk topsoil from the construction impact zone. Principal in this implementation is the identification of the selected topsoil to be relocated and the identification of relocation sites that will be managed and protected from construction disturbance.

The implementation of the Topsoil Protocol will also include further Aboriginal stakeholder consultation and engagement, specifically to inform WSA Co on of how best to address cultural aspects of the implementation of the Protocol when needed.

Table 2 sets out the procedures to be followed to manage selected topsoil in areas that will be affected by Main Construction Works within the Construction Impact Zone. These steps are described in more detail in subsequent sections.

The Topsoil Protocol procedures will be applied by WSA Co after taking into account the following issues:

- engineering design

- selected topsoil locations/volumes and relocation sites

- earthwork logistics, efficiencies and cost effectiveness and

- site safety issues.

One of the following options will be determined by the WSA Co Environment Manager, after taking into account the above issues for the areas identified for Main Construction Works:

- To apply all Topsoil Protocol procedures to an area prior to the commencement of a phase of Main Construction Works identified in the approved Construction Plan or

- To apply the Topsoil Protocol procedure for the selection of topsoil areas before commencement of a phase of Main Construction Works and apply the remaining procedures for excavation and temporary or long-term placement as the first stage of Main Construction Works.

Table 2: Protocol procedures

Step	Activity/Responsibility	Description of components	Project phase
Pre-requisite action	Conduct and evaluate archaeological survey and salvage for the area(s) (Team of archaeologists assisted by Aboriginal Site Officers)	• The results of survey and salvage inform the predictive model for Aboriginal site locations and content.	pre-construction
1	Undertake further Aboriginal Stakeholder Consultation (WSA Co Environment Manager)	• Establish arrangements for further consultation with Aboriginal stakeholders and conduct and frequency of consultation meetings • Establish arrangements for Site Officer participation including Site Officer roles	ongoing

Step	Activity/Responsibility	Description of components	Project phase
		and responsibilities, and remuneration for participation.	
		• Invite and evaluate nominations for 5 – 7 consultation participants	
		• Meetings will be as requested by the WSA Co Environment Manager.	
2	Identification/creation of interim storage and long-term placement sites (WSA Co Environment Manager)	• Ensure that suitable sites for depositing selected topsoil are identified early and reserved for this purpose in WSA Co future development plans through a process involving the contracted archaeologist and Aboriginal consultation. The process of site investigation and decision will involve: o Mapping of areas of previously disturbed ground in the Environmental Conservation Zone (ECZ) and other potential areas in the airport site. o Consideration of potential placement sites and their integration with ECZ Management Plan objectives and environmental values (Biodiversity CEMP relationship) and other airport site zoning objectives o Consultation with Aboriginal stakeholders on suitability of relocation sites. • The selection of interim and long-term topsoil placement sites will involve environmental, engineering and site-specific considerations including assessment of topsoil volume capacity for each potential site.	pre-construction for each phase of construction
3	Evaluate potential for Main Construction Works to impact topsoil with relatively high artefact densities (Archaeologist/WSA Co Environment Manager)	For each area identified for Main Construction Works: • Review planned construction areas, specifications and earthwork contour levels against Aboriginal heritage landscape sensitivity mapping and outcomes of survey and salvage evaluations. • Map areas subject to excavation and those subject to fill with areas of known or predicted relatively high artefact density and analyse this to determine construction impacts. • Identify areas of known or predicted relatively high artefact density, which will	pre-construction for each area of phased construction

Step	Activity/Responsibility	Description of components	Project phase
		be subject to construction related excavation or construction impacts. • Determine environmental, engineering and site-specific considerations including calculations of topsoil volume placement and suitable interim and long-term locations for placement.	
4	Confirm areas for topsoil recovery (selected topsoil) and locations for temporary and/or long-term placement. (Archaeologist/WSA Co Environment Manager)	• Based on the results of the evaluation, consult to confirm the area(s) with selected topsoil to be subject to this protocol and the location(s) for temporary and long-term placement.	pre-construction for each area of phased construction
5	Recover selected topsoil (WSA Co Environment Manager)	• Either one of the 'pre-construction' OR 'during earthworks' timing options will be determined to apply by the WSA Co Environment Manager, after engineering design has been considered and after Aboriginal stakeholder consultation on the topsoil recovery areas identified for each phase of Main Construction Works. • Recover selected topsoil using mechanical bulk recovery methods. • Keep necessary provenance records (refer Appendix A). • Integrate recovery with an appropriate level of Aboriginal stakeholder nominated Site Officer monitoring (Participation approach and level will be determined by WSA Co in consultation based on workplace safety requirements and the nature of the earthworks).	pre-construction for each area of phased construction OR during earthworks (construction)
6	Interim storage of topsoil (WSA Co Environment Manager)	• Where necessary, store recovered topsoil in an interim storage location, as identified in Step 2. • Ensure different sourced materials are kept separate (for example, by using geo-fabric for separating recovered topsoil), their source is identifiable, and the movement and storage location is tracked and provenance recorded using the template at Appendix A.	pre-construction construction
7	Long-term placement and management	• Ensure long-term placement sites are reserved for the specific purpose of retaining the topsoil within the airport site	pre-construction

Step	Activity/Responsibility	Description of components	Project phase
	(WSA Co Environment Manager)	and that culturally appropriate landscaping management plans are developed and implemented to support this. • Place selected topsoil in long-term placement sites, identified in Step 2. • Ensure different sourced materials are kept separate (for example, by using geo-fabric to separate recovered topsoil from other soil), their source is identifiable, and movement and provenance recorded using the template at Appendix A. • Keep long-term records, including mapping of where subject topsoil has been placed, and any management requirements. • Consider and support opportunities for acknowledgement and commemoration including any cultural interpretation and ceremonial activities deemed appropriate by Aboriginal community recognised knowledge holders and custodians.	construction

4.3 Prerequisite action

Implementing this protocol requires the application of information gained through the prerequisite action of selective and targeted archaeological survey and salvage within the area identified in the Construction Plan for each phase of Main Construction Works as is required by the Airport Plan. This includes the conduct of:

• surface collection in areas of known Aboriginal artefacts and

• a selective program of archaeological salvage excavation.

This prerequisite action will also include preliminary analysis to support the identification of areas where there are relatively high Aboriginal artefact densities and provide the data which is essential for the evaluation of construction impact on topsoil.

As a prerequisite to implementing this protocol, landscape sensitivity mapping and the analysis of salvage excavation data will be conducted to a stage sufficient to identify:

• areas of relatively high density of Aboriginal artefacts and

• areas of similar archaeological potential in the general region of the salvage excavation.

The predictive model for Aboriginal site type, content and location will be revised, where and as necessary, in response to the salvage results, and then applied in the evaluation under Step 3 of the protocol.

4.4 Convene further stakeholder engagement (Step 1)

A Community and Stakeholder Engagement Plan compliant with Airport Plan Condition 15, will be implemented by WSA Co to guide interaction and communications with airport related stakeholders.

An Aboriginal Stakeholder Consultation and Engagement Plan, a sub-plan of the Aboriginal Cultural Heritage CEMP, will also be implemented to address cultural aspects relating to the airport site.

The Aboriginal cohort is among the airport's most important stakeholder group and engagement with this group through these plans will aim to:

- create a functional consultative group which acts to represent WSA Aboriginal stakeholders and the broader Aboriginal community of Western Sydney to advise WSA Co on the main interests relating to implementing this protocol

- provide guidance and advice to WSA Co with respect to Aboriginal stakeholder participation in the implementation of this protocol

- represent the interests of Darug identified people through specific representatives and

- review the protocol (as required) including advice for improving the protocol.

The engagement will include between five and seven Aboriginal stakeholder members. Nominations for Aboriginal stakeholder membership will be informed and supported by consensus at an appropriately notified Aboriginal Stakeholder Forum. Initial membership will be confirmed by the WSA Co Environment Manager following consultation with Aboriginal stakeholders. If membership vacancies arise, the members will advise WSA Co on the best approach to replace an outgoing member.

Meetings consultative group will be chaired by the WSA Co Environment Manager, or as otherwise determined by WSA Co, in consultation with the stakeholders.

Representatives of WSA Co (and their contractors) may be invited to attend and participate in each of the meetings. The Infrastructure Department may be invited to attend as an observer.

Aboriginal stakeholder members of a consultative group will be remunerated for participation in meetings arranged by the WSA Co Environment Manager, according to a market based fee scale to be determined in relation to the implementation of the Aboriginal Cultural Heritage CEMP.

The meetings of stakeholders and a consultative group will be recorded and key information reported to all listed Aboriginal stakeholders via Aboriginal Stakeholder Forums and/or regular information updates.

4.5 Identification/creation of interim storage and long-term placement sites (Step 2)

The optimal scenario for the recovery, transport and long-term placement of selected topsoil, is for this to occur in as few steps as possible. For this reason, the identification of long-term placement sites is a high priority and a pre-construction action of this protocol. If temporary storage is required it is preferable that this occur only once, before implementing long term placement.

Some interim storage sites may be required initially, because the identification of long-term placement sites may have a longer timeline than the recovery of selected topsoil early in WSA Stage 1 development.

The use of interim storage sites is not intended to extend beyond each phase of construction identified in the approved Construction Plan. The use and reservation of long-term placement sites for placement of topsoil will be for the operational life of the Airport. They will be identified and managed accordingly.

4.5.1 Interim storage site requirements

Interim storage sites will meet the following requirements:

- heavy machinery access

- enough space or barriers to keep selected topsoil from different sources separate during deposition, storage and removal

- capacity for appropriate site management and landscaping to ensure containment can be managed e.g. from erosion of the topsoil and runoff

- capacity to manage and record separate selected topsoil placements so each can be individually documented and tracked

- movement to, and storage of selected topsoil on the site will not impact upon significant Aboriginal cultural values (scientific or as advised by Aboriginal stakeholders), which are already resident within the site and which have been identified for conservation/protection or other action to mitigate impact

- movement to, and storage of selected topsoil on the interim site will not negatively impact native vegetation or habitat subject to conservation of management requirements

- the sites will not be subject to development or other disturbance within the life of the interim storage and

- site selection has been subject to consultation with Aboriginal stakeholders and informed by their advice.

4.5.2 Long-term placement site requirements

Airport Plan Condition 11 (reference to Table 28-13) specifies that long-term placement sites are to be within the ECZ where possible.

Long-term placement sites will meet the following requirements:

- Where outside the ECZ, the area is reserved and managed for the purpose and is outside of any area where major earthworks or construction activities will occur (after placement of selected topsoil), or structures will be developed during WSA Stage 1 development

- Within the ECZ, in a location that is reserved and managed for the purpose, and consistent with:

    o the environmental protection objectives for the ECZ, and protecting environmental values within the ECZ (Biodiversity CEMP)

    o the management of known and predicted Aboriginal sites and cultural heritage values as per the objectives of the ECZ to enhance, restore and protect the Aboriginal cultural values of the land (Aboriginal Cultural Heritage CEMP) and

    o the ECZ Management Plan

- The area will have appropriate access for heavy machinery

- The area will provide capacity for appropriate site management and landscaping:

    o to enhance the ECZ through native species plantings and

    o to ensure containment can be managed e.g. from erosion of the final land surface and flooding events

- Movement to, and storage of selected topsoil on the site will not negatively impact significant or protected native vegetation or habitat

- The capacity of the area will allow WSA Co to manage and record separate selected topsoil placements so each can be individually documented and tracked from site selection and management and
- The selection of the area has been supported by stakeholders and
- Access can be provided and managed to support cultural interpretation and ceremonies.

Locations which may be suitable for long-term placement of selected topsoil, subject to consultation, include:

- areas of previous land-surface disturbance (where original Aboriginal archaeological values have been degraded or destroyed), such as erosion scalds, roadways, quarries, borrow pits, slope cuttings, agricultural dams and waterholes, and drainage channels and/or
- areas and contexts requiring filling, and which would not be further impacted by WSA Stage 1 construction and development.

4.5.3 Consultation and engagement with Aboriginal stakeholders

Consultation and engagement with stakeholders) on interim storage and long-term placement sites will include:

- the selection of interim storage and long-term placement sites
- facilities and fixtures for the operation of interim storage sites
- the post-deposition use and function of long-term placement sites and
- interim and long-term management, including:
  - o management plans for long-term placement sites
  - o access options for certain Aboriginal people for cultural purposes and ceremonies and
  - o actions according to Darug traditional lore and custom..

4.6 Evaluate potential for impact to selected topsoil (Step 3)

The objective of Step 3 is to evaluate the potential of planned major earthworks and construction works to impact upon topsoil likely to contain a relatively high density of Aboriginal artefacts. This evaluation is to be conducted by the project archaeologist with input from specialists such as engineers and designers.

This evaluation will be conducted in stages aligned with the phases of planned WSA Stage 1 construction as defined in the Construction Plan.

The evaluation will include the following components:

- A review of:
  - o earthwork and construction areas and related land use e.g. work compounds, temporary infrastructure and spoil and material storage sites
  - o access and egress infrastructure
  - o planned excavations e.g. underground services/facilities
  - o cut and fill areas, volumes and final levels and
  - o on-site quarrying and borrow pits
- Mapping of areas of planned cut/excavation (involving the removal of topsoil), and of planned fill (involving the burial of *in situ* topsoil) and

- Comparison of areas of planned cut/excavation with areas of known and predicted relative high Aboriginal artefacts density, based on findings and modelling developed in the prerequisite action.

4.7 Identify areas of topsoil for recovery and relocation (Step 4)

The objective of Step 4 is to select topsoil which will be recovered under this protocol.

The selection will be based on:

- the findings of Step 3 of the Topsoil Protocol and
- consultation with Aboriginal stakeholders

4.7.1 Selection criteria

The following criteria will be used to select areas for the recovery of topsoil:

- the area has known or assessed potential for relative high artefact density
- the area will be directly impacted by earthworks or construction related excavation and/or other major ground surface disturbance
- the area can be accessed, and topsoil recovered, using heavy machinery and
- the area for recovery of topsoil is informed by consultation.

4.7.2 Unique location identifier

Each topsoil recovery site will be given a unique identifier code to which all recorded management actions will be referenced. Signage will include this identifier and a notice indicating culturally sensitive material. This signage will be installed at the site prior to recovery excavation, and at the interim storage location.

4.7.3 In-field confirmation and marking out of recovery sites

The location and boundary of recovery sites will be confirmed and marked out in the field, inclusive of identifier code signage. This will be done with the participation of an archaeologist, a small group of nominated and suitably experienced Aboriginal Site Officers, and representative(s) of WSA Co Environment Manager and relevant site contractors/plant operators.

4.7.4 Scope of recovery

The maximum scope of topsoil recovery at any one location will be bounded by the extent of the micro-topographic landform, or landforms, with known or potential relatively high artefact density, as advised by the archaeologist in consultation with a small group of nominated and suitable experienced Aboriginal Site Officers. Examples include:

- the crest of a ridge, spur or shoulder
- the upper slopes of a ridge, spur or shoulder
- the basal slopes of an incline/valley side and
- the margin or a drainage line or basin.

The maximum extent of the area from which topsoil is to be recovered at any particular location will be determined by consideration of:

- the relevant micro-topographic boundaries

- the available interim and long-term storage
- the effectiveness and capacity of the machinery used in the recovery and
- on-site evaluation and consultation.

4.7.5 Consultation and engagement with Aboriginal stakeholders

Consultation and engagement will include:

- the selection of recovery sites
- in-field evaluation and demarcation of recovery site boundaries and
- actions required according to Darug traditional lore and custom.

4.8 Recovery of selected topsoil (Step 5)

4.8.1 Method of Excavation

It is not a requirement under this protocol to excavate according to an archaeological methodology. There are however Aboriginal cultural sensitivities that should be respected. The method of selected topsoil recovery (excavation) will be by mechanical means and will employ bulk recovery methods where feasible. The method will comply with the following requirements:

- Minimisation of the extent of impactive contact of the topsoil mass with metal edges and surfaces (e.g. blades and points)
- Minimisation of compaction from mechanical force (e.g. no use of road rollers)
- Minimisation of the recovery of non-target deposits, such as dense clay and gravel profiles

The whole of the selected topsoil could be excavated in one depth interval if is this is feasible.

4.8.2 Depth of excavation

The maximum depth of topsoil recovery will be based on:

- on-site evaluation and input from the Aboriginal community
- the known or predicted depth of artefact incidence at that location
- avoiding the excavation of dense and clay rich or gravel rich sub-soils and
- the practicality of recovery including the inability of the machinery to access and recover selected topsoil.

Subject to on-site evaluation, the maximum depth of recovery at any given recovery site will normally be between 100 and 300mm.

4.8.3 Recording of provenance

The source location of the recovered topsoil will be recorded using the template at Appendix A. Wherever possible, all of the recovered topsoil will be stored together. All stored material must be identified with signage displaying its unique source code and that this is culturally sensitive material.

4.8.4 Presence of an archaeologist

An archaeologist will be present during the excavation recovery of selected topsoil.

The archaeologist will:

- co-ordinate the deployment and direction of any Aboriginal Site Officer monitoring

- assist and advise personnel conducting the excavation, including with regard to the extent and depth of required excavation

- inspect excavation surfaces and spoil for evidence of unanticipated finds (of European or Aboriginal origin), such as burials, and advise work site managers of any finds which may trigger conduct of the unexpected finds protocol (see 4.8.7)

- verify or advise on the identification of any reported unanticipated finds and the conduct of the appropriate unexpected finds protocol (European or Aboriginal) and

- where Aboriginal artefacts are found as excavation occurs, record any unexpected finds (see 4.8.7 which lists those object types not anticipated) at that location as relevant information to be included with the selected topsoil records.

4.8.5 Aboriginal stakeholder monitoring

An opportunity will be provided for appropriately experienced and qualified Aboriginal Site Officers to monitor the excavation recovery of selected topsoil. Engagement of Site Officers will be subject to conditions and obligations and will be based on a nomination process determined by WSA Co in consultation with the Aboriginal stakeholders.

The monitoring program will:

- comply with a WSA Co Health and Safety Work Plan and directions by WSA Co or supervising contractors to ensure the safe conduct of the program

- provide guidance to plant operators regarding the required excavation depth and site boundaries and

inspect excavation surfaces and spoil for evidence of unexpected finds (see 4.8.7 which lists those object types not anticipated) and advise the archaeologist and work site managers of any finds which may trigger the unexpected finds protocol. Any objects which may be collected by the archaeologist or by Aboriginal monitors (of European or Aboriginal origin) are to be submitted for an appropriate level of recording (by the project archaeologist) and for either storage, or in the case of the majority of Aboriginal artefacts, for keeping with the selected topsoil for relocation.

Aboriginal objects not returned into the topsoil, will be stored on-site with other Aboriginal artefacts recovered as part of the WSA Aboriginal cultural heritage survey and salvage program and objects found during the implementation of the unexpected finds protocol.

4.8.6 Induction Training

The Site Officer monitoring program will be conducted according to a methodology and plan with a focus on worker safety. As a prerequisite for participation, Site Officers will receive induction training on their role, the recording of objects and the application of the unexpected finds protocol.

An induction course for Site Officers will also be conducted at the start of each day which outlines site safety and the method and protocols employed to keep working machinery and Site Officers separate. Personal protective equipment (PPE) must be worn by all Site Officers, including hard hats, steel cap boots and reflective clothing.

The Aboriginal Cultural Heritage CEMP requires all construction site workers to be trained in the identification and management of Aboriginal cultural heritage values and for those site workers involved in selected topsoil recovery and relocation, specific training on the protection of cultural values and the management of topsoil under the Protocol. This will include training in the purpose and application of the unexpected finds protocol.

4.8.7 Application of unexpected finds protocols

The Aboriginal Cultural Heritage CEMP includes the Aboriginal cultural heritage unexpected finds protocol (Section 9.3). The European and Other Heritage CEMP includes the European and other heritage unexpected finds protocol.

For the purposes of the selected topsoil recovery operations, unanticipated finds of Aboriginal objects may include:

- human remains or other evidence indicative of a possible human burial

- unambiguous midden material (such as shell) (excluding natural shell deposits)

- stone arrangement (arranged by a human agency)

- organic artefacts (such as wooden and bone artefacts)

- clear and unambiguous evidence of an Aboriginal hearth

- a deposit with clearly stratified and/or dense archaeological material

- an Aboriginal stone procurement site (quarry) and/or

- evidence of a buried ground surface believed to be of Aboriginal origin.

Finds such as these warrants stopping work in the specific area to support examination and recoding in accordance with the unexpected finds protocol. Other finds are considered 'expected finds' and work is not intended to stop. Examples of 'expected finds' include flaked stone artefacts.

European and other heritage objects may also be found. Significant objects should be recorded and may need to be recovered for storage. This will require stopping work in the specific area to support examination and recoding in accordance with the unexpected finds protocol.

The role of the archaeologist will be to determine the application of the protocols in consultation with the WSA Co Environment Manager (see 4.8.4.)

4.8.8 Timing

Protocol Step 5 should be completed before commencement of construction related earthworks, or other construction activities within the area. This timing requirement is necessary to:

- ensure that construction actions are not delayed or obstructed by the conduct of the Topsoil Protocol and

- avoid risk of injury to the archaeological team and Site Officers supporting the implementation of the Topsoil Protocol.

4.9 Interim storage of topsoil (Step 6)

Interim storage of selected topsoil may be required if:

- long-term placement sites have not yet been defined and approved or

- site management and logistical considerations require interim storage.

The requirements for interim storage locations are provided in Section 4.5.1 of this protocol. In order to minimise physical damage to Aboriginal objects the method of interim storage will comply with the following requirements:

- minimisation of impactive contact of the topsoil mass with metal edges and surfaces (e.g. blades and points) and

- minimisation of compaction from mechanical force.

During interim storage:

- the temporary placement locations of selected topsoil from different sources will be recorded and spatial data kept and the data provided to the Infrastructure Department

- selected topsoil will be kept separate, for example using geo-fabrics

- selected topsoil will be identified with signage including their source identification code and notify that the material is culturally sensitive

- selected topsoil will be protected from erosion (in the short term this could be realised by the use of weighted tarps, or through appropriate landscaping and seeding with native grasses) and

- the movement and management of the topsoil will be recorded and tracked.

4.10 Long-term placement and management (Step 7)

4.10.1 Placement method

The method of long-term topsoil placement will be by mechanical means and will employ bulk recovery methods wherever feasible. In order to minimise physical damage to Aboriginal objects the placement method will comply with the following requirements:

- Minimisation of impactive contact of the topsoil mass with metal edges and surfaces (e.g. blades and points)

- Minimisation of compaction from mechanical force

- Selected topsoil from different sources will be kept separate by placement in spatially distinct locations/contexts, or by placing a geo fabric or a similar barrier between the placed topsoil and ground surface and other relocated topsoil. Placement locations will be recorded and spatial data kept and the data provided to the Infrastructure Department.

- In placement contexts with sufficient depth, one or more corrosion resistant identifiers (such as aluminum or plastic) will be buried with each separately sourced selected topsoil deposition. The identifiers will include the date, the name of the construction phase and the source location, and the nature of the deposit

- The land surface of the placement sites will be stabilised with native vegetation or other means (see Long-term placement site requirements) and

- The placement locations will not be identified or publicised with signage or public media, unless specifically approved in consultation with acknowledged custodians/knowledge holders.

4.10.2 Management

All long-term placement sites for selected topsoil will be reserved and managed for the purpose of maintaining their Aboriginal cultural values. All such sites will be spatially recorded and identified in land-use zoning and management plans for the WSA site.

The long-term management of the placement sites will:

- protect the placement sites from earthworks, development or other significant disturbance

- restore native vegetation to protect the placement sites from erosion or selected topsoil removal through flood events

- protect placement sites from vandalism or fossicking for artefacts

- support access to certain Aboriginal people (custodians/knowledge holders) for cultural purposes and ceremonies and

- not promote the presence of Aboriginal artefacts unless acknowledged custodians/knowledge holders agree or are party to the promotion.

Potential future functions of placement sites include:

- native vegetation recovery areas within the Environmental Conservation Zone (ECZ)

- open space for which will be protected and managed for low intensity use

- parkland areas for regeneration of native vegetation, general landscaping and open spaces within the Construction Impact Zone or the AD4 Aviation Reservation Zone where these sites will not developed or disturbed and /or

- a Keeping Place.

5. Consultation and engagement with Aboriginal stakeholders

The implementation of the Topsoil Protocol will involve further consultation and engagement with Aboriginal stakeholders and the Aboriginal community of Western Sydney.

The Aboriginal Cultural Heritage CEMP includes the sub-plan Aboriginal Stakeholder Consultation and Engagement Plan (ASCEP). The ASCEP addresses the ongoing approaches for consultation and engagements on cultural heritage across a range of issues including for the implementation of the Topsoil Protocol.

In relation to the Topsoil Protocol, Table 3 describes the approaches that will be used to support consultation and engagement of interested Aboriginal stakeholders.

Table 3: Outline of consultation and engagement approaches relevant to implementing this protocol

Approach	Description
Aboriginal Stakeholder Forums	• Consultation on review and development of future protocols • Feedback and regular updates on implementation of protocols
Aboriginal stakeholder consultation	• Membership from nominated members of listed WSA Aboriginal stakeholders • Represents and liaises with main interest groups within broader Aboriginal stakeholder community • Includes and represents identified Darug stakeholders and interests • Meetings as required to advise on protocols and identification and management of storage and placement sites • Advises on approaches to arrange for Site Officer participation • Advises on ways to arrange cultural input and ceremonies • Aboriginal member participation in meetings subject to remuneration
Aboriginal stakeholder nominated Site Officers	• Site Officer roles include field advice on marking out of topsoil recovery sites and supporting recovery actions e.g. depth of recovery and the identification of unanticipated finds
Handouts	Forums and via email • Provision of information about protocol implementation
Updates	Forums and via email • Provision of information about implementation.

6. Record keeping and curation

6.1 Record keeping

The following records will be kept under this protocol (refer also Appendix A):

- The unique source location identifier for each of the selected topsoil locations
- The physical location of all selected topsoil sources, including:
    - date of selection
    - GPS location
    - boundary mapping including as a spatial dataset
    - estimated volume for recovery
    - landform type and landscape context and
    - associated or nearby archaeological salvage sites
- Recovery, including:
    - date of recovery
    - machinery used
    - volume of recovered topsoil
    - approximate area subject to recovery relative to the boundary mapped (e.g. if there are practical constraints to recovery across the total defined area) and updated spatial dataset
    - average depth of recovery excavation
    - archaeologist and Site Officers involved
    - site manager and management responsibilities and
    - signage records including content and locations
    - Aboriginal stakeholders/community members present and
    - cultural activities or ceremonies undertaken (if appropriate to record)
- All movements of topsoil, including:
    - date of movement/transport
    - machinery used
    - volume of material moved
    - GPS location and boundary mapping of location(s) including as a spatial dataset of temporary storage area or placement site
    - site manager and management responsibilities and
    - signage records including content and locations
    - Aboriginal stakeholders/community members present and
    - cultural activities or ceremonies undertaken (if appropriate to record)
- Long-term location of storage or placement data, including:
    - date of storage/placement
    - machinery used
    - volume of material moved

- o GPS location and boundary mapping of location(s) including as a spatial dataset of placement site

- o signage records including content and locations, if and as appropriate

- o boundary marking method and arrangement of placement of separately sourced material

- o site manager and management responsibilities

- o site management arrangements and site management plan

- o Aboriginal stakeholders/community members present and

- o cultural activities or ceremonies undertaken (if appropriate to record).

All spatial data will be provided to the Infrastructure Department on request and may be shared with Aboriginal stakeholders for specific purposes such as commemoration.

6.2 Record curation

WSA Co will maintain records relating to the implementation of the protocol for auditing and compliance purposes for the operating life of the airport. All electronic and hard copy protocol records will be compiled and kept together in a secure location. Hard copy records should be scanned and stored digitally and digital records regularly backed up and updated.

At the completion of the protocol (completion of WSA Stage 1), all hardcopy records will be scanned and digitised. A digital copy of the records will be archived by WSA Co and made accessible for reference and site management. For archival purposes, a copy of the record should be provided to the:

- Australian National Library (Canberra)

- Library of the Institute of Aboriginal and Torres Strait Islander Studies (Canberra) and

- Office of Environment and Heritage (NSW).

Information regarding the location of the final placement of selected topsoil subject to the provisions of this protocol will be integrated into the ongoing land management and/or master planning operations and systems of the airport. Selected topsoil relocation sites will be recorded in the Inventory of Aboriginal cultural heritage sites relating to the airport and recorded in the register of heritage sites relating to the airport.

All long-term placement sites for selected topsoil will be recorded on OEH site cards and submitted for inclusion in that Office's Aboriginal Heritage Information Management System for reference purposes.

6.3 Reports

During the life of this protocol, including subsequent variations, reports will be prepared at regular intervals to document and report on the protocol implementation and management of selected topsoil placement sites.

The successive reports will serve as a cumulative record of protocol implementation actions for auditing and compliance with Airport Plan conditions.

Copies of the reports will be made available to Aboriginal stakeholders and the Aboriginal community of Western Sydney on request, and subject to any cultural sensitivities, may be made available for research and educational purposes.

A copy of the reports will be archived by WSA Co and kept accessible for future access and reference.

Following the completion of WSA Stage 1, a copy of the Protocol reports should be provided to the Library of the Australian Institute of Aboriginal and Torres Strait Islander Studies (Canberra), to serve as a permanent archival record of the protocol.

7. Protocol duration and review

7.1 Duration

This protocol specifies the process for identification, recovery, interim storage and long-term management of selected topsoil containing known and predicted relatively high artefact densities. As such, this protocol spans both pre-construction and construction phases of WSA Stage 1. It is anticipated that this protocol, as revised and amended will remain active for the operating life of WSA Stage 1 and be accessible for assessment should future long term development occur on the airport site.

The management requirements of long-term placement sites situated within the WSA airport site will be included within airport operational plans and the eventual Master Plans for the airport.

7.2 Review

Progress on implementing this protocol will be reviewed in accordance with Airport Plan Condition 39 – Occupier to prepare and publish reports about its compliance with construction conditions.

To support compliance with Condition 39, this protocol and its implementation will be reviewed at the end of each phase of Main Construction Works to improve the protocol for subsequent phases of construction works set out in the approved Construction Plan.

Proposed revisions and changes to this plan will be developed in consultation with the Aboriginal stakeholders.

8. Risks

Table 4 indicates potential risks in implementing the protocol and proposed management strategies.

Table 4: Identified project risks and proposed management

Risk	Management strategy
Timing for implementing the protocol is longer than anticipated.	Ensure early planning to implement the protocol. Identification of recovery sites is completed pre-construction.
Major division in Aboriginal stakeholder views becomes evident.	Communicate that all views will be considered and evaluated by WSA Co and as necessary; a formal position will be developed by WSA Co and presented with an explanatory justification to the Aboriginal Stakeholder Forum or by other means, as required. Consider cycling a proportion of consultation group membership (see Table 3) over a period, such as 12 months.
The volume of selected topsoil recovered exceeds the capacity of placement sites	Ensure engineering assessment of volumes and early identification of sufficient long-term placement sites (ECZ and in other suitable airport site locations) to cater for the selected topsoil within the Construction Impact Zone.

Risk	Management strategy
	Consider the use of alternative placement sites and confirm suitability with Aboriginal stakeholders e.g. • within construction fill contexts • at depths where subsequent excavation of services is unlikely • offsite locations.
It is difficult to limit the number of, or area of topsoil recovery sites within the practical and feasible constraints of the recovery operation.	Ensure that recovery is limited to the microtopographic landform identified. For relatively continuous landforms (such as crest lines and stream banks) limit recovery to a standard distance. In consultation with the Aboriginal stakeholders, consider narrowing the criteria for the selection of recovery sites.
Not enough suitable areas for long-term placement within the ECZ	In consultation with the Aboriginal stakeholders, consider options outside of the ECZ, where construction impact may be limited to landscaping and buffer zones, or offsite locations e.g. a Keeping Place context. Consider the use of placement sites within construction fill contexts, at depths where subsequent excavation of services is unlikely.
Site Officers/archaeologists have difficulty in identifying the boundaries for topsoil recovery at a site	Refer to definitions of different topographic and micro-topographic landforms to assist in definition. Recognise that in many cases, boundaries are indistinct and, in these cases, an arbitrary and linear approximation will serve the purpose.
Loss of on-site source identifiers at interim storage location	Ensure that record keeping includes enough detail that the source of the separately stored material can be identified without the on-site identifier(s).
Loss of provenance information	Ensure that records are maintained and archived efficiently and securely. In cases, where backup documentation has been lost or is irretrievable from other related data, continue the operation of the protocol and mark the provenance as 'WSA undifferentiated' or similar.
Injury of people monitoring topsoil recovery operations	Ensure that all site workers and Aboriginal Site Officers take part in a daily pre-work induction course, which emphasises the dangers of working in the proximity of heavy machinery and defines rigorous processes and protocols, which separate monitors from working machinery. Ensure that all site workers and Aboriginal Site Officers comply with personal protective equipment (PPE) requirements, including the use of hard hats, steel cap boots and reflective clothing. All Aboriginal Site Officers must be covered by Workers Compensation Insurance.
Discovery of unanticipated find(s) during topsoil recovery	Follow the unexpected finds protocols.

Risk	Management strategy
	Include in the site worker induction training what constitutes an unanticipated find and how this will be managed.

9. References

Commonwealth of Australia (CoA) Dec 2016 *Western Sydney Airport, Airport Plan*. Commonwealth of Australia. Canberra.

Department of Infrastructure and Regional Development (DIRD) Sep 2016 *Western Sydney Airport, Environmental Impact Statement.* Five Volumes, Commonwealth of Australia, Canberra.

Navin Officer Heritage Consultants (NOHC) Aug 2016 Western Sydney Airport Aboriginal Cultural Heritage Assessment, Appendix M1, Aboriginal cultural heritage, In DIRD Sep 2016, Western *Sydney Airport, Environmental Impact Statement.* Commonwealth of Australia, Canberra.

Navin Officer Heritage Consultants (NOHC) Oct 2017 Aboriginal Stakeholder Consultation and Engagement Plan, For the development of an Initial Survey and Salvage Plan for specified Preparatory Activities. Plan developed on behalf of the Department of Infrastructure, Regional Development and Cities.

Navin Officer Heritage Consultants (NOHC) Dec 2017 Initial Survey and Salvage Plan, Western Sydney Airport – Enabling Activities, Aboriginal cultural heritage management program. Plan developed on behalf of the Department of Infrastructure, Regional Development and Cities.

Appendix A

Draft data recording template

(note: this template presents suggested data formats but not general document format or size)

Topsoil Protocol Data Sheet

(Topsoil Containing Aboriginal artefacts)

Site Identification

Topsoil Recovery Unique Identifier Code

TSR ………

Date of selection …....../……./……

Field identification personnel & role ……………………………
……………………………
……………………………

Aboriginal Site Officer(s) ……………………………

GPS location (UTM)   (1) …………………………….E
[central/axis dot point(s)   ] …………………………….N

(2) …………………….……..E
………………………..……..N

(x) ……………………………..E
……………………………...N

Location mapping
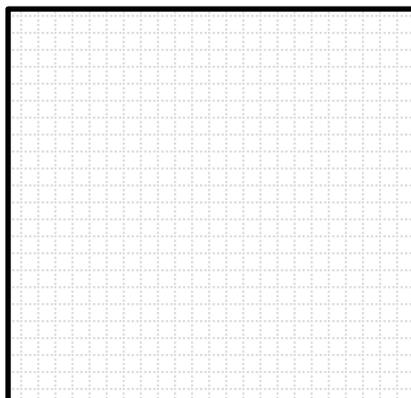
Estimated area for recovery ……………..square meters

Estimated depth for recovery ……………..meters

Estimated volume for recovery ……………..cubic meters

Landscape context (large scale)

☐ Upper slopes and ridges

[select one category, or two categories

☐ Mid slopes

to indicate transition]

☐ Basal slopes

☐ Valley floor
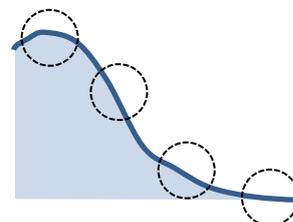
Landform type (small scale)

[select as many as required]

- ☐ crest
- ☐ upper slope
- ☐ mid slope
- ☐ basal slope
- ☐ flats
- ☐ knoll
- ☐ shoulder
- ☐ saddle
- ☐ creek bank/margin
- ☐ wetland edge
- ☐ natural levee deposit
- ☐ spur
- ☐ mostly level
- ☐ mostly sloping

Other/description ……………………………

Associated or nearby
archaeological salvage site(s). ……………………………

Archaeologist **Sign Off** ……………………………
Company

Position ……………………………
date ……………………………

Boundary Marking

Date(s) of marking ….…../….…./……

….…../….…./……

Field marking personnel & role ……………………………

……………………………

……………………………

Aboriginal Site Officer(s) ……………………………

GPS location (UTM)   (1) ……………………….…..E

[boundary point(s)] ……………………….…..N

(2) ……………………..….…..E

……………………..…....N

(x) ……………………..…..E

……………………….…...N

Boundary mapping
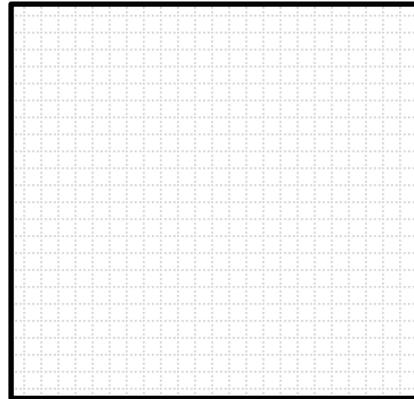
Archaeologist **Sign Off** ……………………………

Company ……………………………

Position ……………………………

date ……………………………

Recovery

Date(s) of recovery ….…./….…./……

….…./….…./……

Recovery personnel & role …………………………

…………………………

…………………………

Aboriginal Site Officer(s) …………………………

Machinery used …………………………

…………………………

…………………………

Approximate area of recovery …………….square metres

Average depth of recovery …………….metre

Volume of material recovered …………….cubic metres

Constraints to recovery ☐ bedrock

☐ vegetation

☐ fill

☐ uneven terrain

Other/comments …………………………

Recovery area mapping
[relative to boundary]
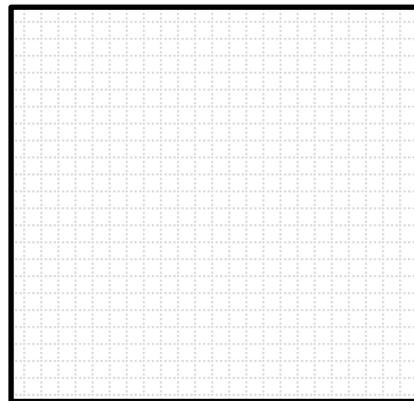
Signage checklist ☐ signage prepared with unique TSR no.

☐ signage deployed with recovered topsoil

Number of signs …………………………

Archaeologist **Sign Off** …………………………

Company …………………………

Position …………………………

date …………………………

Movement/transport

(Event 1)   Date of movement/transport   …...../……./……

Personnel & role   ……………………………
………………………………
………………………………

Reason for movement/transport   ………………………………

Machinery used   ……………………………
………………………………
………………………………

volume of material moved   ……………..cubic metres

Destination   ………………………………
[ensure destination documented in Interim or Long- term storage section(s) below]

Signage checklist   ☐ signage included with unique TSR no.

☐ signage deployed with topsoil at new location

Number of signs   ………………………………

Sign Off   ……………………………
Position   ……………………………
date   ……………………………

(Event 2)   Date of movement/transport   …...../……./……

Personnel & role   ……………………………
………………………………
………………………………

Reason for movement/transport   ………………………………

Machinery used   ……………………………
………………………………
………………………………

volume of material moved   ……………..cubic metres

Destination   ………………………………
[ensure destination documented in Interim or Long- term storage section(s) below]

Signage checklist   ☐ signage included with unique TSR no.

☐ signage deployed with topsoil at new location

Number of signs   ………………………………

WSA Co **Sign Off**   ……………………………   Position
Environment Manager

date   ………………………………

(Event x)

Interim Storage

(Event 1)   Date of interim storage   …...../……./……

Personnel & role   ……………………………
………………………………
………………………………

Machinery used   ……………………………
………………………………
………………………………

volume of material stored   ……………..cubic metres

Storage location   ……………………………

GPS location (UTM)   (1)   …………………………..…E
[central dot point(s)]   …………………………..N

(2)   …………………..………E
…………………..……..N

(x)   …………………………..…E
…………………………....N

Storage location mapping
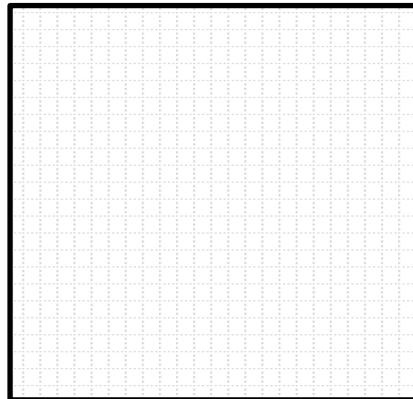
Signage checklist   ☐ signage includes unique TSR no.

☐ signage deployed with topsoil at all storage
locations

Number of signs   ……………………………

WSA Co **Sign Off**   ……………………………

Position   Environment Manager

date   ……………………………

Interim Storage (contd)

(Event 2)

Date of storage	…...../……./……
Personnel & role	…………………………… …………………………… ……………………………
Machinery used	…………………………… …………………………… ……………………………
volume of material stored	……………..cubic metres
Storage location	………………………………
GPS location (UTM) (1) [central dot point(s)]	…………………….……E …………………………..N
(2)	……………….……..E ………………….……..N
(x)	…………………….……E …………………………...N

Storage location mapping

Signage checklist ☐ signage includes unique TSR no.

☐ signage deployed with topsoil at all storage locations

Number of signs ……………………………

WSA Co **Sign Off** ……………………………

Position Environment Manager

date ……………………………

(Event x)

Long-Term Placement

Date(s) of placement ..../......./......

......./......./......

Placement personnel & role ………………………………

………………………………

………………………………

Aboriginal Site Officer(s) ………………………………

Machinery used ………………………………

………………………………

………………………………

Approximate area of placement …………….square metres

Average depth (thickness) of placement ……………..metre

If buried, depth of placement from ground surface …………….metres(s)

Volume of material subject to placement ……………..cubic metres

Placement location (name/ID) ………………………………

GPS location (UTM)   (1) ………………………..……E

[boundary point(s)] ………………………………..N

(2) ………………………..……E

………………………..……N

(x) ………………………..……E

………………………………...N

Have the boundaries of the placement area been physically marked? ☐ yes ☐ no

Describe how placement area marked ………………………………

Placement area mapping
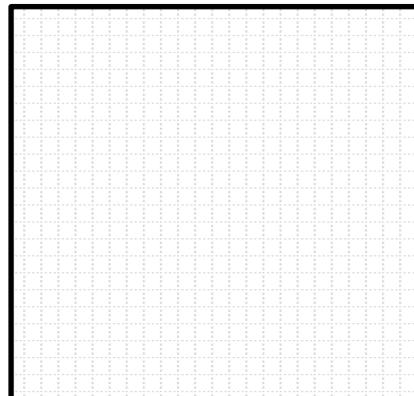
Is topsoil from more than one TSR no, placed at this location? ☐ yes ☐ no

List TSR nos. of topsoil placed at this location: ……………………………

Describe method and arrangement of   ……………………………
placement, and how different TSR numbered   ……………………………
topsoil is kept separate   ……………………………

Mapping of placement of topsoil from
separate locations (showing TSR nos.)
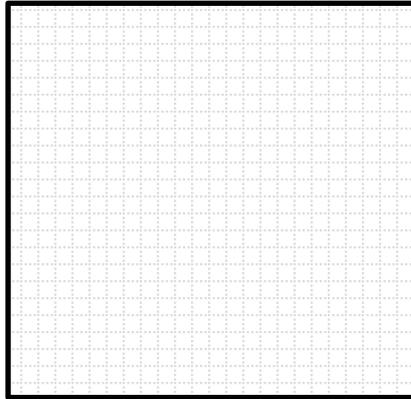
Placement of corrosion resistant identifier(s)
within placed topsoil   ☐ yes ☐ no

Text of identifier(s)   ……………………………
    ……………………………

Signage checklist   ☐ signage includes unique TSR no.

    ☐ signage has been deployed

    ☐ signage has been collected/removed

Number of signs deployed   ……………………………
Number of signs collected/removed   ……………………………

Management Arrangements
Reference   ……………………………
Management Plan   ……………………………

WSA Co **Sign Off**   ……………………………

Position   Environment Manager

date   ……………………………

Appendix B Aboriginal stakeholder consultation and engagement plan

Appendix B

Aboriginal stakeholder consultation and engagement plan

Western Sydney Airport

Aboriginal stakeholder consultation and engagement plan

Aboriginal Cultural Heritage CEMP sub-plan
Western Sydney Airport

November 2019

Development of the Oral History Plan, Topsoil Protocol and the Aboriginal Stakeholder Consultation and Engagement Plan was undertaken with specialist input by Navin Officer Heritage Consultants (NOHC).

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Document status

Status	Revision number	Date
For review	3	31/7/18
For review	4	04/09/18
For review	5	11/09/18
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Approved	0	24/09/18
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Updated with minor administrative changes, (e.g. WSA Co replaced with WSA; and references to the CEMP)	0.2	15/11/2019

Western Sydney Airport

Definitions

Table 1 below provides a list of definitions, abbreviations and titles used throughout this document, with explanatory notes.

Table 1 Table of definitions and abbreviations used

Words or abbreviations	Definition
Aboriginal stakeholders and Aboriginal community	Aboriginal stakeholders and Aboriginal community referred to in this document includes Aboriginal people who identify with the Darug linguistic group and the Cumberland Plain and other Aboriginal who may have a cultural association with the Cumberland Plain. Aboriginal stakeholders and Aboriginal community also recognises that Aboriginal people and Torres Strait Islanders who live in Western Sydney may have a contemporary interest in cultural aspects of Western Sydney.
Aboriginal Cultural Heritage CEMP	Aboriginal Cultural Heritage Construction Environmental Management Plan as required by Condition 11 in section 3.10.2 of the Airport Plan 2016.
Airport Plan 2016	The instrument under the Airports Act 1996 (Cth), authorised by the Federal Infrastructure Minister in December 2016, which sets out the environmental and regulatory approvals for the development of the Stage 1 of the Western Sydney Airport.
ASCEP	Aboriginal Stakeholder Communication and Engagement Plan
Forum	Aboriginal Stakeholder Forum (ASF). Forums regularly hosted by the Infrastructure Department between October 2017 and August 2018 to facilitate Aboriginal stakeholder consultation relating to Western Sydney Airport Stage 1 development.
CEMP	A Construction Environmental Management Plan required under the Airport Plan 2016.
Construction Plan	A Construction Plan required under Condition 1 in section 3.10.2 of the Airport Plan 2016.
Curation	The actions required to store, organise, display and manage a collection of cultural material. This may include the conduct of differing actions for different sub-groups of cultural material, according to the requirements specified by Traditional Owners and custodians. Potential actions may include public display and storage in archival conditions.
EIS	The Environmental Impact Statement prepared in relation to the Western Sydney Airport under the Environment Protection Biodiversity Conservation Act 1999 (Cth).
Indigenous	Indigenous is used in this document to describe people who are of Aboriginal or Torres Strait Islander descent and used where information has been referenced from another document or publication. See also Aboriginal stakeholders and Aboriginal community, above.

Western Sydney Airport

Words or abbreviations	Definition
Infrastructure Department	Means the Department of State administered by the Infrastructure Minister as per the airport Plan page 95.
in situ	Refers to an object or artefact that has not been moved from its original place, or place of deposition
Keeping Place	A 'Keeping Place' is a term generally used to describe an Aboriginal community managed space for the safekeeping of repatriated cultural material. The Airport Plan Condition 11 (4) describes a potential 'Keeping Place' in relation to Western Sydney Airport as 'an Aboriginal cultural heritage 'keeping place' that would provide secure, above ground storage of artefacts and enable future access for cultural purposes, interpretation, education or research'. Recognising that Aboriginal people will be the primary stakeholder, the purpose, form, operating model and other aspects will necessarily reflect the aspirations and decisions of the associated Aboriginal communities.
Listed Aboriginal stakeholders	Means 'any Aboriginal individual or organisation that has indicated an interested in the Aboriginal cultural values of the WSA site and a desire to be involved, or kept informed, of matters relating to the identification, assessment and management of those values. There is no end date for Aboriginal stakeholders to express their interest. An inclusive approach is applied.
LALC	Local Aboriginal Land Council
OEH	NSW Office of Environment and Heritage, an agency within the NSW Department of Planning and Environment.

Preparatory Activities	The Airport Plan specifies Preparatory Activities to be the following:
	a. Day to day site and property management activities
	b. Site investigations, surveys (including dilapidation surveys), monitoring, and related works (e.g. geotechnical or other investigative drilling, excavation or salvage)
	c. Establishing construction work sites, site offices, plant and equipment, and related site mobilisation activities (including access points, access tracks and other minor access works, and safety and security measures such as fencing, but excluding bulk earthworks).
	d. Enabling preparatory activities such as:
	   i. demolition or relocation of existing structures (including buildings, services, utilities and roads)
	   ii. the disinterment of human remains located in grave sites identified in the European and other heritage technical report in volume 4 of the EIS, and
	   iii. application of environmental impact mitigation measures, and
	e. any other activities which an Approver determines are Preparatory Activities for this definition. (Airport Plan, Appendix A, p.123).

Project	The term is used in its general meaning and in specific contexts: • In relation to projects being subject to procedures and protocols • To describe the Activities of the Western Sydney Airport development

Words or abbreviations	Definition
RAP	Reconciliation Action Plan
Repatriation	Repatriation to Country i.e. Aboriginal cultural material being returned to the Aboriginal community of origin. Note: Salvaged Aboriginal cultural material needs culturally appropriate arrangements for temporary storage, reburial, long-term storage in a Keeping Place, or other management.
Stakeholder	Individual or group with an interest in the project.
Traditional Owners	Individuals or groups that have rights and responsibilities to a particular area; and have proven direct descent and ongoing connection to that area.
Infrastructure Department	Commonwealth Department of Infrastructure, Regional Development and Cities.
WSA	Western Sydney Airport
WSA	WSA Limited (ACN 618 989 272), the entity responsible for constructing and operating the Airport in accordance with the Airport Plan. For the purposes of the Airports Act 1996 (Cth), WSA is the "airport-lessee company" for WSI
WSA Stage 1	Western Sydney Airport Stage 1 – The development of the Western Sydney Airport determined in the Airport Plan December 2016.

1 Introduction

In December 2016, the Federal Infrastructure Minister authorised the Airport Plan which sets the environmental and regulatory approvals for the development of Stage 1 of the Western Sydney Airport (WSA Stage 1). The Airport Plan contains over 40 mandatory conditions to be met while developing or later operating the airport.

In May 2017, the Federal Government announced that it would establish a company to develop and operate the airport and, in August 2017, established WSA.

WSA was granted the airport lease on 17 May 2018 and, as the Airport Lessee Company, is responsible for all WSA site matters.

An approved stakeholder consultation and engagement plan is a component that must be included in the Aboriginal Cultural Heritage Construction Environment Management Plan (CEMP) in order for the CEMP to meet Airport Plan Condition 11.

This Aboriginal stakeholder consultation and engagement plan has been developed in consultation with Aboriginal stakeholders who have expressed an interest in the Aboriginal cultural heritage management program of the Western Sydney Airport development (WSA Stage 1). Comments on a draft consultation and engagement plan were sought and have been considered and addressed in the Aboriginal Cultural Heritage CEMP developed by WSA.

The Aboriginal Cultural Heritage CEMP developed by WSA will be submitted to an Approver in the Infrastructure Department for consideration. Approval of the Aboriginal Cultural Heritage CEMP must occur before WSA commences Main Construction Works for WSA Stage 1. The Construction Plan, which complies with Airport Plan Condition 1, sets out the Main Construction Works, the first phase of which is expected to commence in late September 2018.

2 Development of the Stakeholder Consultation and Engagement Plan

2.1 Airport Plan requirements

The requirement for an Aboriginal stakeholder consultation and engagement plan is defined in the Airport Plan 2016 Condition 11, and specifically EIS Chapter Tables 28-12 and 28-13 referenced in Condition 11.

The components of Table 28-12 relevant to Aboriginal stakeholder consultation and engagement include:

- management objectives for managing Aboriginal cultural heritage:

  Implementing Aboriginal cultural heritage management measures as agreed with Aboriginal stakeholders and

  Seeking Aboriginal stakeholder participation in the development of the Aboriginal Cultural Heritage Management Plan and in the implementation of the measures and strategies contained within it.

- performance criterion for managing Aboriginal cultural heritage:

  Aboriginal stakeholders contribute to the development of the Aboriginal Cultural Heritage CEMP, participate in archaeological surveys and are consulted about the management and custodianship of cultural materials salvaged at the airport site.

- an implementation framework and responsibilities:

  The CEMP will detail an Aboriginal stakeholder consultation and engagement plan and

  the Aboriginal Cultural Heritage CEMP will be prepared in consultation with Aboriginal stakeholders, the NSW Office of Environment and Heritage and other relevant Australian and local government bodies.

EIS Table 28-13 specifies the requirements for Aboriginal stakeholder consultation and engagement as follows:

The Aboriginal Cultural Heritage CEMP will contain an Aboriginal stakeholder consultation and engagement plan that specifies the nature and frequency of consultation throughout the design and construction phase of the proposed airport. The aims of the consultation are to:

- *inform on, and provide an opportunity for feedback regarding, all matters relating to the mitigation and management of Aboriginal cultural heritage values across the airport site*

- *provide a forum for organising future stakeholder participation in mitigation and management activities*

- *provide opportunities to comment on all policy and documentation drafted in regard to the mitigation and management of Aboriginal cultural values and*

- *provide an opportunity for Aboriginal stakeholders to participate in field actions involving the mitigation and management of Aboriginal cultural values.*

The Aboriginal stakeholder consultation and engagement plan will be developed in conjunction with the Community and Stakeholder Engagement Plan.[1].

2.2 Consultation and engagement to develop the plan

The Aboriginal cultural heritage management program during the period the Infrastructure Department was the WSA Site Occupier was undertaken in accordance with an approved Survey and Salvage Plan (NOHC Dec 2017).

The approved Survey and Salvage Plan was developed following the preparation and approval of an Aboriginal Stakeholder Consultation and Engagement Plan to guide and support consultation and engagement with Aboriginal stakeholders (NOHC Oct 2017).

Aboriginal stakeholder consultation for the development of this Stakeholder Consultation and Engagement Plan was guided and supported by the provisions of the October 2017 plan. The approach included:

- an inclusive approach to consulting with Aboriginal stakeholders based initially on the previous WSA EIS program (DIRD Sep 2016, NOHC Aug 2016)

- informing all listed Aboriginal stakeholders of stakeholder Forums through emailed flyer notifications and meeting notes, information updates and distribution of draft documents for comment

- conducting regular Aboriginal stakeholder Forums as a primary means of engaging face to face with Aboriginal stakeholder representatives

- drafting documents for Aboriginal stakeholder review based on feedback from Forum discussions and workshops and receipt of written comments and oral responses and

- considering of all comments and views received in finalising documents prior to their consideration for approval.

The Infrastructure Department, as Site Occupier, initiated consultation through Aboriginal Stakeholder Forums from October 2017 to May 2018. The consultation by the Infrastructure Department was undertaken to support early engagement with Aboriginal stakeholders on key issues relating to the Aboriginal cultural heritage program for the WSA site.

WSA was also involved with the Infrastructure Department in consultation and participating through Forums from airport lease grant in May 2018 to August 2018. Forums were convened by Navin Officer Heritage Consultants and related to consultation on components of the Aboriginal Cultural Heritage Management CEMP for Preparatory Activities and early earthworks including:

- An Aboriginal Stakeholder Consultation and Engagement Plan (this Plan)

- A Survey and Salvage Plan for the conduct of initial survey and salvage (approved in December 2017 and implemented between January 2018 and August 2018), including an approved variation to the Plan in August 2018.

- A Topsoil Protocol for the management of topsoil assessed as likely to contain a relatively high density of Aboriginal artefacts, and which would otherwise be impacted by earthworks

---

[1] The Community and Stakeholder Engagement Plan (construction) is required under Airport Plan Condition 15 and details are addressed in EIS Chapter 28 Table 28-20 and Table 28-21.

- An Oral History Plan for the conduct of an oral history related to the airport site and its surrounding district and

- Arrangements for the temporary storage and curation of salvaged Aboriginal cultural heritage items.

Eight Aboriginal stakeholder forum meetings were convened by the Infrastructure Department, between October 2017 and the end of August 2018. All meetings were held in Western Sydney, either at St Marys or Luddenham. WSA attended and participated in Forums during in 2017 and 2018.

Development of Aboriginal Stakeholder Consultation and Engagement Plan included the following consultation with Aboriginal stakeholders:

- Presentation of a plan outline and context at Aboriginal stakeholder Forum 3 on 31 Jan 2018. The presentation and meeting notes were subsequently distributed to all listed stakeholders.

- Presentation and discussion of the plan outline, objectives and function, including a workshop discussion focused around key issues and questions, at Forum 4 on 28 February 2018. Written stakeholder comments on feedback sheets submitted at the end of the workshop, or subsequently via email, were collated. The Forum notes, presentation slides and feedback sheet collation were subsequently distributed to all listed stakeholders.

- A summary of the workshop discussion at Forum 4 on 28 February 2018, and of comments received by feedback sheets, was presented at Forum 5 on 28 March 2018.

- The provision of a draft Aboriginal Stakeholder Consultation and Engagement Plan was anticipated for Forum 7 held on 1 August 2018. A draft Aboriginal Stakeholder Consultation and Engagement Plan was presented and discussed at that Forum.

- The draft Plan was emailed to Aboriginal stakeholders on 2 August 2018 for comment by 15 August 2018.

- In response to stakeholder concerns about limited time to consider the draft, WSA extended the time for comment by an additional week to 22 August 2018.

- The Infrastructure Department also responded to a request for a workshop and arranged for workshops with stakeholders at two locations on three draft plans including the draft Aboriginal Stakeholder Consultation and Engagement Plan:

  o Thursday 23 August 2018 at Shellharbour for stakeholders who had sought a workshop approach to providing comments and
  o Tuesday 28 August 2018 at Luddenham for other interested stakeholders based in Western Sydney.

- Comments and views from these workshops were presented to Stakeholders at Forum 8 on 29 August 2018

- During this further consultation, Aboriginal stakeholders raised views and comments including:

  o Recognition of Aboriginal stakeholders and different types of interest and connection
  o The use of Aboriginal ceremony, opportunities across all phases of the project
  o Protection of culturally sensitive information
  o The need to address a long-term timeline for Aboriginal engagement

- o Rates for participation should be based on market rates and regularly reviewed
- o The importance of engaging with the broader Aboriginal community in Western Sydney, for example through the Community and Stakeholder Engagement Plan, as most people participating in the Aboriginal Stakeholder Forums are focused on Site Officer work and cultural issues and

- Consideration of Forum 8 meeting notes recording stakeholder discussion and comments.

WSA finalised the draft Aboriginal Stakeholder Consultation and Engagement Plan in developing the Aboriginal Cultural Heritage CEMP. The approved CEMP and related sub-plans will be implemented.

3 Objectives

Requirements of Airport Plan Condition 11 include providing opportunities for consultation and engagement on the mitigation and management of Aboriginal cultural heritage values and for stakeholder participation in cultural heritage activities. The objectives of the WSA Aboriginal cultural heritage consultation and engagement plan are to:

- support an inclusive approach to Aboriginal consultation and engagement treat all Aboriginal stakeholders and members of the Western Sydney Aboriginal community fairly and respectfully regarding their identified cultural and other interests and views.

- outline strategies and processes for the effective conduct of communication and information exchange

- establish and maintain the effective provision and receipt of information, to and from Aboriginal stakeholders and project directors, managers and operatives

- implement Aboriginal cultural heritage measures as agreed with Aboriginal stakeholders and

- seek Aboriginal stakeholder participation in the development of the Aboriginal Cultural Heritage Management Plan and the implementation of the measures and strategies contained within it.

- provide a plan which can be built upon, revised and adapted for application within subsequent phases of the project.

4 Scope

This Aboriginal Cultural Heritage Consultation and Engagement Plan applies to works set out in the Construction Plan approved under Airport Plan Condition 1.

The required content. plan is defined by the requirements specified in EIS Chapter 28 Table 28-12 and Table 28-13. Key aspects of these requirements are addressed in 2.1. above. The implementation actions under this plan are set out in 3.3 below.

The Airport Plan requirement under Condition 11 (4), for the Infrastructure Department to conduct a consultation program with the aim of establishing a Keeping Place is a separate matter that will be progressed by the Department and guided by a separate plan.

5 Relationship to other plans and sub-plans

The Aboriginal Cultural Heritage Consultation and Engagement Plan is a sub-plan of the Aboriginal Cultural Heritage CEMP. Aboriginal Cultural Heritage CEMP sub-plans and other documentation that will involve further Aboriginal stakeholder consultation, engagement and/or participation on cultural matters and values include:

- The Topsoil Protocol
- The Oral History Plan
- Induction material for site workers and Aboriginal Site Officers
- Management plans for the in-situ conservation of heritage sites (grinding grooves (site B120) and the possible scarred tree (site B40))
- The management plan for the Environmental Conservation Zone (addressed in the Biodiversity CEMP) in respect of the protection of known and predicted Aboriginal heritage sites and values
- Arrangements for the temporary storage of salvaged Aboriginal cultural heritage items
- Curation, long term storage and repatriation of salvaged heritage objects
- Implementing Protocols for unexpected or unanticipated discovery of Aboriginal objects or suspected human remains
- Development of plans and undertaking further archaeological survey and salvage activities
- Interpretation and commemoration of Aboriginal language, culture and heritage
- Conduct of ceremonies and
- Opportunities to access Aboriginal sites on the airport site.

The implementation of the Aboriginal Cultural Heritage CEMP, related CEMPs and sub plans will therefore involve further consultation and engagement with Aboriginal stakeholders and the Aboriginal community.

The Community and Stakeholder Engagement Plan compliant with Airport Plan Condition 15, relates to the broader communication that will be implemented by WSA to guide interaction and communication with airport related stakeholders. The Aboriginal cohort is among the most important stakeholder group and engagement on broader airport related matters will be addressed through this plan.

EIS Chapter 28 Table 28-13 (DIRD 2016) specifies that the Aboriginal Stakeholder Consultation and Engagement Plan [this plan] will be developed in conjunction with the broader Community and Stakeholder Engagement Plan.

The interrelation of the Aboriginal cultural heritage management program actions, the CEMP and ACH CEMP are illustrated in **Figure 1** below.
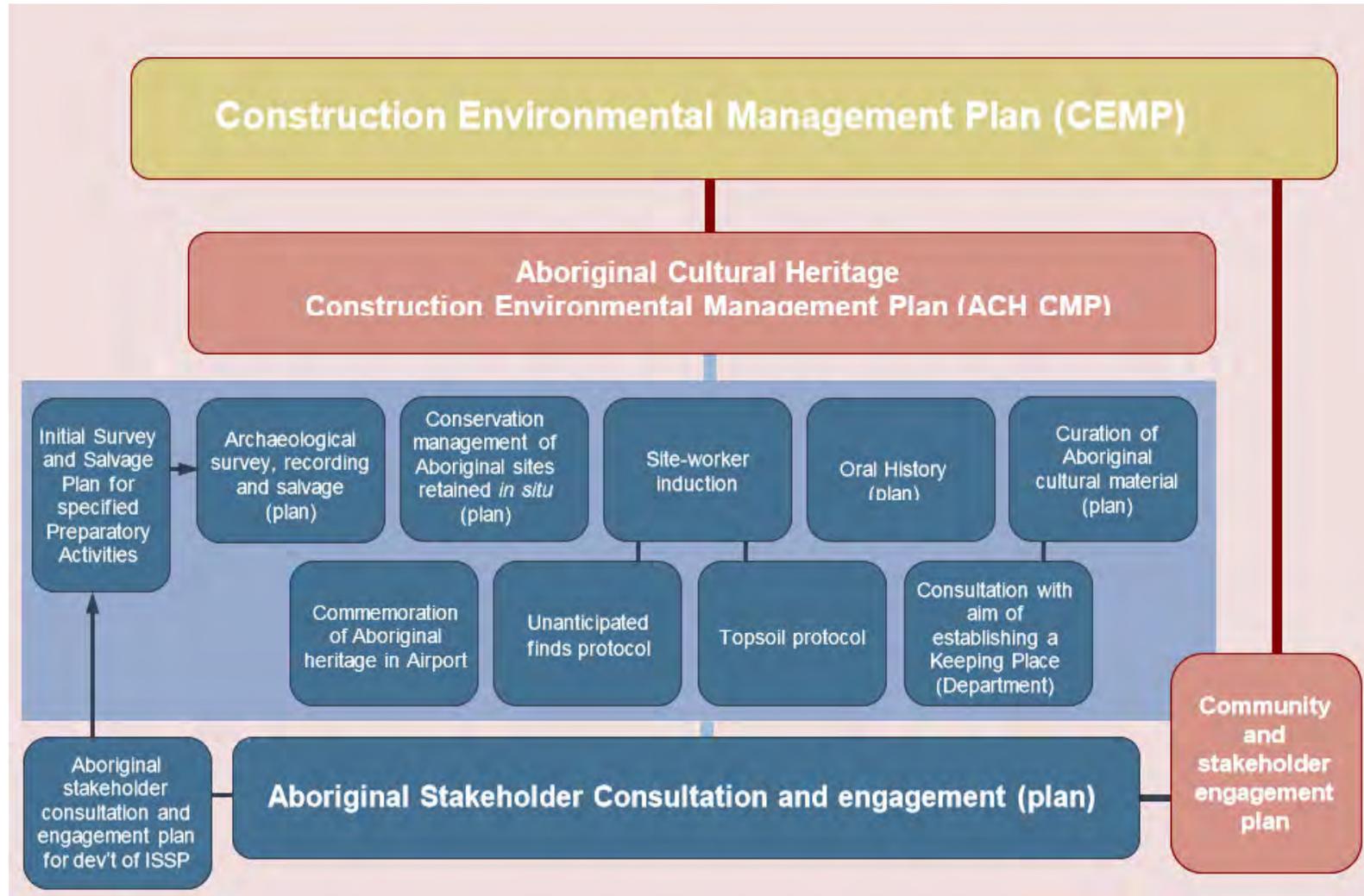
Figure 1 General relationship CEMPs and Plans with the Aboriginal Cultural Heritage CEMP and sub-plans

6 Implementation

In relation to consultation and engagement, key performance criteria for managing Aboriginal cultural heritage (EIS Chapter 28 Table 29-12) are that:

> Aboriginal stakeholders contribute to the development of the Aboriginal Cultural Heritage CEMP, participate in archaeological surveys and are consulted about the management and custodianship of cultural materials salvaged at the airport site and

> The Aboriginal cultural values of the airport site are commemorated in the detailed design of the airport, for example, through onsite archiving and curation of heritage items, the naming of places and public display of material.

This section outlines the consultation and engagement focus with Aboriginal stakeholders and the Aboriginal community on cultural heritage relating to WSA, throughout the design and construction phases of the airport.

Consistent with the Airport Plan Condition 11 requirements the focus will be on:

- informing on, and providing an opportunity for feedback regarding, all matters relating to the mitigation and management of Aboriginal cultural heritage values across the airport site

- providing a forum or other appropriate means for organising future stakeholder participation in mitigation and management works

- providing opportunities and reasonable time to comment on all policy and documentation drafted regarding the mitigation and management of Aboriginal cultural values and

- providing an opportunity for Aboriginal stakeholders to participate in field actions involving the mitigation and management of Aboriginal cultural values (DIRD 2016, Table 28-13, p.37).

6.1 Conservation management of Aboriginal sites to be retained *in situ*

Archival recording has been completed for two specific Aboriginal sites to be conserved in the ███████████████████████████ The baseline record and information gathered will inform the physical measures to be put into place to protect these sites and the development of a heritage conservation management plan for the management of these sites.

The Biodiversity Construction Environmental Management Plan will be referenced when developing processes for the Environmental Conservation Zone to address the protection of the heritage sites and their conservation and protection. This management plan must also address the known and predicted Aboriginal heritage sites within the Zone to enhance, restore and protect the cultural values of the land within that Zone consistent with the requirements of the Airport Plan including the Biodiversity CEMP requirements.

Development of these plans and implementing mitigation measures will involve consultation and engagement with Aboriginal stakeholders and knowledge holders /custodians acknowledged within the Aboriginal community. Subject to advice from acknowledged custodians, this may include Aboriginal community participation through site visits and conducting ceremonies.

6.2 Further archaeological survey, recording and salvage

The initial archaeological survey, recording and salvage program was implemented in accordance with the Survey and Salvage Plan which was approved in December 2017 and implemented between January 2018 and August 2018. This included an approved variation to the Plan in August 2018.

The objectives of survey and salvage programs under Airport Plan Condition 11 are to

- manage impacts to archaeological and scientific values by recovering and analysing a representative sample of surface and subsurface archaeological material; and

- avoid damage to the Aboriginal cultural values of surface artefacts through salvage surface collection.

The aims of this program are to:

- identify all visible surface Aboriginal sites for recording and management actions prior to the commencement of main construction works;

- appropriately record and salvage stone surfaces with evidence of Aboriginal markings;

- recover archaeological material from all landform types based on a systematic and representative sampling matrix;

- recover archaeological material from areas with assessed relatively higher archaeological value; and
- apply archaeological excavation methodologies appropriate to the expected resource.

Any need for further archaeological survey, recording and salvage programs through the implementation of the Aboriginal Cultural heritage CEMP will include timely consultation and engagement with Aboriginal stakeholders and arrangements for the participation of Aboriginal Site Officers in the archaeological program.

6.3 Oral History Plan

The Oral History Plan establishes a project to record Aboriginal stories and memories with the aim of preserving individual memories and stories relating to the airport site and its district. This record will serve as an archive and a resource for future interpretation of the Aboriginal heritage values of the site and it may be an important resource for the Aboriginal community in terms of its association with the area and opportunities for acknowledging this within the airport.

The Oral History Plan, Section 6 – Implementation, sets out the activities, indicative timing and approach to Aboriginal consultation and participation. This includes reference that the Aboriginal Stakeholder Consultation and Engagement Plan, a sub-plan of the Aboriginal Cultural Heritage CEMP, will be implemented to address cultural aspects relating to the development of the airport site.

It also includes the role of the consultation and engagement program relevant to the Oral History Plan as the following:

- to provide functional consultation processes which act to represent WSA Aboriginal stakeholders and the broader Aboriginal community of Western Sydney to advise on the main interests relating to seeking, recording presenting oral histories

- to provide guidance and advice to the Project Manager and the Oral Historian on the Aboriginal participation and specifically considerations such as the best approaches to invite the participation of interviewees and for the final selection of interviewees

- the representation of the interests of the Aboriginal people with connection to the Western Sydney area through specific community supported representatives

- the review and comment on draft documentation required to implement the Oral History Plan including interviewee contributions

- to advise on curation and access to oral histories that may include culturally sensitive information and

- to support review of plan implementation and suggesting improvements for undertaking subsequent oral histories.

The Oral History Plan addresses processes and protocols that require consultation and engagement including:

- identification for interviewees

- remuneration for interviewees

- management of intellectual property rights, moral rights and copyright

- management of culturally sensitive information including control of publication and

- Oral History Plan review.

6.4 Topsoil protocol

The Topsoil Protocol specifies the management of topsoil assessed as likely to contain a relatively high density of Aboriginal artefacts and which would otherwise be impacted by construction activities.

The aim of the Topsoil Protocol is to manage excavation, storage and placement of this material in a culturally appropriate manner that minimises potential impact to the Aboriginal cultural values resident in the artefacts. Given the cultural heritage focus of the Topsoil Protocol there are aspects of its implementation that will involve further consultation, engagement and participation of Aboriginal stakeholders and the Aboriginal community. This consultation is set out in section 3.1 of the Topsoil protocol will aim to:

- create an effective consultative group which acts to represent WSA Aboriginal stakeholders and the broader Aboriginal community of Western Sydney to advise WSA on the main interests relating to implementing the Topsoil Protocol

- provide guidance and advice to WSA with respect to Aboriginal stakeholder participation in the implementation of this protocol

- represent the interests of Darug identified people through specific representatives and

- review the protocol (as required) including advice for improving the protocol.

6.5 Unexpected finds protocol

The Aboriginal Cultural Heritage CEMP Section 8.3 includes the Unexpected Finds Protocol which specifies the required actions in the event of an unanticipated find during construction works. This includes the unlikely circumstance of encountering suspected human remains during construction.

Aboriginal stakeholders have expressed a strong interest in how this Protocol will be applied. As part of the ongoing consultation and engagement processes, WSA will provide feedback to Aboriginal

stakeholders on the nature and frequency of finds as construction progresses and the storage and curation of found artefacts and objects.

Unanticipated finds that are considered significant, for example the types of objects indicated in the Topsoil Protocol Section 4.8.7, would warrant more direct feedback, and depending on the find, direct engagement with acknowledged traditional knowledge holders/custodians as part of the application of the protocol. This may include onsite examination of artefacts and objects that have been identified as significant under the Protocol and appropriate remuneration for the Aboriginal people involved.

6.6 Induction training

The aim of the site worker induction training is to provide all site workers with sufficient information to understand and comply with on-site requirements for the management of Aboriginal cultural sites and values.

Induction training for construction site workers is required and may be supported by the paid participation of Aboriginal people in the induction training that relates to Aboriginal cultural heritage on the airport site. The training will include:

- the identification of Aboriginal artefacts and human remains
- management of Aboriginal values across the airport site and sites
- procedures under the Topsoil Protocol where this was the focus of the site work; and
- site worker responsibilities in implementing the Unexpected Finds of Aboriginal Object and Suspected Human Remains Protocol.

The formats for training may include person to person instruction, hard copy information sheets and digital format instruction, and would include different levels according to assigned site-worker responsibilities.

Aboriginal Site Officers involved in the implementation of the Topsoil Protocol will also require induction training as indicated in that Protocol with a focus on site safety, their role, the recording of objects and the application of the unexpected finds protocol.

6.7 Ceremonies and commemoration of Aboriginal heritage

WSA will develop a program for consultation with Aboriginal stakeholders and the Aboriginal community on how Aboriginal cultural heritage values of the WSA site can be recognised and commemorated within the airport design and development. Commemoration may be realised through the design and function of the built environment, as well as the conduct of ritual and ceremonies.

Further consultation and engagement will be progressed to seek ideas and contributions from the Aboriginal stakeholders and the Aboriginal community. This will be done respectfully and will seek to involve Aboriginal community acknowledged traditional knowledge holders/custodians to advise on the use and application of commemorative options and content in the design, construction and operation of the airport and its site.

Where Aboriginal participation is involves providing specific advice on cultural matters, or the conducting of ceremonies, then those participants would be remunerated for their time and contribution at appropriate market rates.

6.8 Curation and repatriation of heritage items

This requires a staged program for the interim, short and long-term storage and management of all Aboriginal cultural material collected as part of the management of Aboriginal cultural heritage found on, or recovered from, the airport site. There may also be relevant consultation relating to the proposal for a Keeping Place

Interim, short-term arrangements have been subject to Aboriginal stakeholder consultation and have been implemented under several initial plans. These include:

- laboratory storage during analysis and
- temporary on-site secure storage in a shipping container.

Further arrangements beyond the scope of plans that have been approved will be addressed through consultation with Aboriginal stakeholders in the development of survey and salvage plans and curation and repatriation plans. Long-term management and repatriation strategies will also be the subject of on-going and future consultation with Aboriginal stakeholders and if appropriate relevant authorities.

6.9 Consultation with the aim of establishing a Keeping Place

Under Airport Plan Condition 11 (4), the Infrastructure Department will conduct of a consultation program with Aboriginal stakeholder, governments and other stakeholders with the aim of establishing a Keeping Place that would provide secure, above ground storage of artefacts and enable future access for cultural purposes, interpretation, education or research. This consultation program will be guided by a separate plan and managed by the Infrastructure Department.

WSA recognises that the Aboriginal stakeholders and the Aboriginal community involved in consultation and engagement relating to the Aboriginal Cultural Heritage CEMP are likely to also have an interest in the Keeping Place consultation process. WSA is committed to working collaboratively with the Infrastructure Department and other stakeholders to support an effective consultation process.

6.10 Timeline

The anticipated duration of this plan spans the planning, enabling activities, including Preparatory Activities and the Main Construction Works as set out in the approved Construction Plan.

The Aboriginal Stakeholder Consultation and Engagement Plan will be implemented on approval of the Aboriginal Cultural Heritage CEMP.

The Plan will be subject to review and revision and may be varied, if needed as the WSA Stage 1 development progresses.

Western Sydney Airport
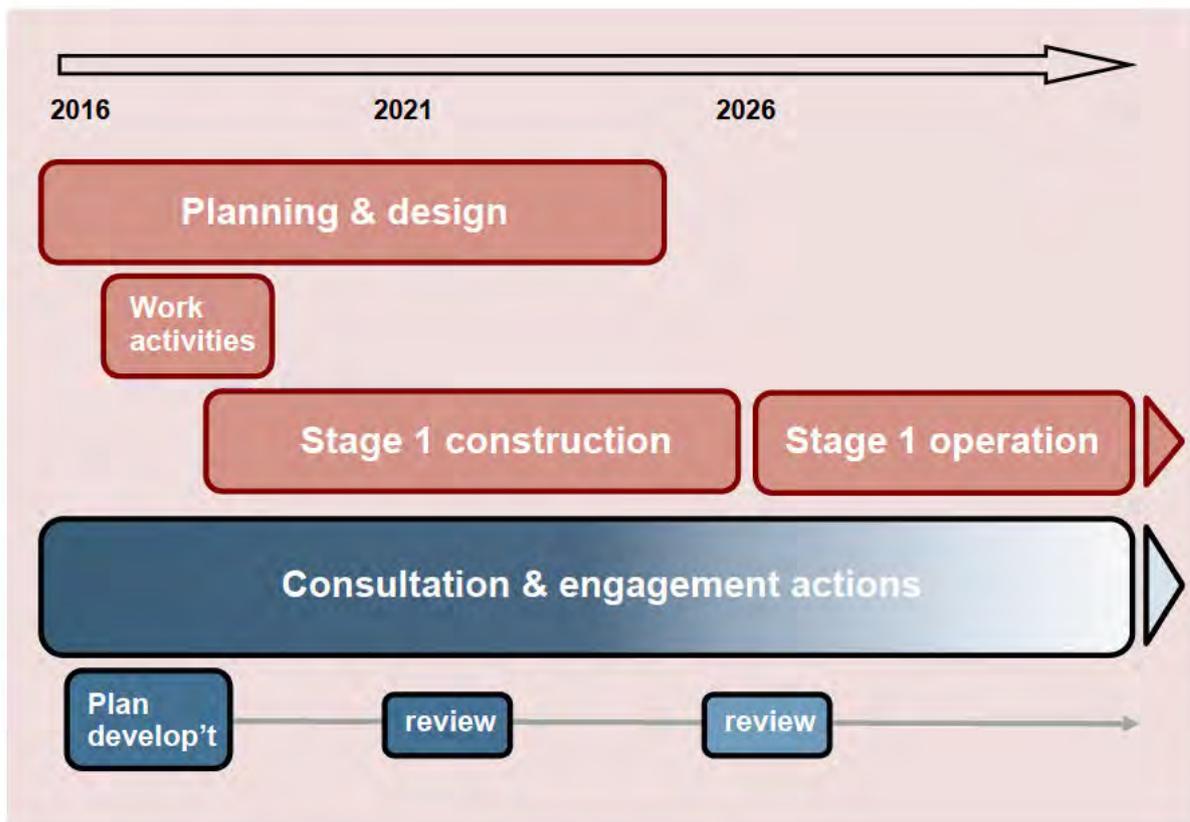
Figure 2 *Indicative timeline for Stage 1 development and operation*

7 Consultation and engagement principles and guidelines

7.1 Principles

In accordance with principles outlined by the Australian Heritage Commission, WSA recognise that Aboriginal people:

- are the primary source of information on the value of their heritage and how this is best conserved

- must have an active role in any Aboriginal heritage planning process

- must have input into primary decision making in relation to Aboriginal heritage so they can continue to fulfil their obligations towards this heritage and

- must control intellectual property and other information relating specifically to their heritage, as this may be an integral aspect of its heritage value (AHC 2002 p.6).

7.1.1 Speaking for Country

The Office of Environment and Heritage publication *How the Aboriginal heritage system works* explains that:

> To 'speak for Country' means speaking on behalf of the Aboriginal community for a specific area. There is often debate as to who is the most appropriate person (or persons) to take on this role. This is a significant issue, particularly when dealing with government and private businesses about land use and heritage management. It is commonly agreed that those who speak for Country require an understanding and knowledge of its people, its landscape, and its history as well as an inherited responsibility and right to look after it. This authority to speak for Country is influenced by traditional law, seniority, kinship, and gender. As a result, speaking for Country is often the responsibility of traditional owners, and especially Elders, because of their knowledge and connection to Country (SoNSW & OEH 2012 p.10).

The publication also acknowledges that:

> 'Aboriginal people with historic ties to the area, but whose traditional Country is elsewhere, may have important knowledge about historic heritage places and that they should be involved in consultation for other reasons' (p.10).

> '…Traditional owners or custodians with appropriate cultural heritage knowledge to inform decision making are those people who:

> - continue to maintain a deep respect for their ancestral belief system, traditional lore and custom

> - recognise their responsibilities and obligations to protect and conserve their culture and heritage and care for their traditional lands or Country

> - have the trust of their community, knowledge and understanding of their culture, and permission to speak about it' (p.8).

Through consultation and engagement on the WSA Stage to date, Aboriginal stakeholders have expressed a range of views including that Aboriginal people's cultural connections to the Cumberland Plain area may be varied. While recognising that there are Aboriginal people who identify as Darug

people connected to the Darug linguistic group, there are also Aboriginal people living in the area that bring another perspective on culture because of their association with the Cumberland Plain, or the fact that they now live in Western Sydney and have an interest in contemporary culture.

WSA acknowledges there are various views and perspectives. WSA will endeavour to work with Aboriginal stakeholders and the Aboriginal community in good faith and will support constructive consultation and engagement with acknowledged traditional knowledge holders and custodians.

7.2 Consultation and engagement guidelines

The NSW Office of Environment and Heritage states that in the context of the assessment of developmental impacts:

'…the objective of community consultation is to ensure that Aboriginal people have the opportunity to improve assessment outcomes by:

- providing relevant information about the cultural significance and values of the Aboriginal object(s) and/or place(s)

- influencing the design of the method to assess cultural and scientific significance of Aboriginal object(s) and/or place(s)

- actively contributing to the development of cultural heritage management options and recommendations for any Aboriginal object(s) and/or place(s) within the proposed project area, and

- commenting on draft assessment reports before they are submitted by the proponent [to a statutory authority] (NSW DECCW 2010 p.7).

The development of this plan has considered, and adapted where appropriate, the Aboriginal and Torres Strait Islander consultation and engagement protocols and guidelines included in EIS Chapter 28 Table 28-12).

The table stipulates that guidelines that inform management of Aboriginal cultural heritage include:

- Charter for Places of Cultural Significance ('the Burra Charter') (Australia ICOMOS 1987)

- Ask First: A guide to respecting Indigenous heritage places and values (Australian Heritage Commission 2002), and

- Aboriginal Cultural Heritage Consultation Requirements for Proponents (NSW DECCW

Consideration and adaptation of these guidelines includes applying experience and feedback on what has worked for local Aboriginal communities in Western Sydney during the EIS process and the consultation and engagement undertaken by the infrastructure Department.

Relevant guidelines for the development of the Community and Stakeholder Engagement Plan have also been considered:

- IAP[2] Core Values of Public Participation (International Association for Public Participation 2007a); and

- IAP[2] Code of Ethics for Public Participation Practitioners (International Association for Public Participation (2007b).

8 Aboriginal stakeholders

8.1 The Aboriginal community and stakeholder representation

The current spectrum of Aboriginal stakeholders who express interest in the identification and management of Aboriginal cultural heritage within the Sydney region can be characterised within the following groupings:

- Local Aboriginal Land Councils
- Native Title claimants
- Traditional Owner groups
- Aboriginal people who live in Western Sydney with contemporary interest in cultural heritage
- Other cultural institutions and organisations.

8.1.1 Local Aboriginal Land Councils

Local Aboriginal Land Councils (LALCs) were established under the *Aboriginal Land Rights Act (1983)* (the Act) as the elected representatives for Aboriginal people in NSW. This role extends beyond representation of the interests of Land Council members, but to all Aboriginal people living in NSW[2].

The Sydney/Newcastle region includes eleven LALCs, of which five include the Sydney region. The WSA site occurs solely within the Gandangara LALC.

Land Council membership can be based on three criteria: An applicant:

- lives within the LALC area ('residence') or
- has an association with land in the LALC area ('association') or
- is an Aboriginal Owner in relation to land in the LALC area.

LALCs are autonomous bodies which are governed by Boards elected by local Aboriginal community members every two years. Council's typically assist in matters relating to housing, legal, employment and other day-to-day matters involving Aboriginal people. The Act specifically includes Aboriginal culture and heritage within Council functions stating that:

s52 (4) …A Local Aboriginal Land Council has the following functions in relation to Aboriginal culture and heritage:

(a) to take action to protect the culture and heritage of Aboriginal persons in the Council's area, subject to any other law,

(b) to promote awareness in the community of the culture and heritage of Aboriginal persons in the Council's area.

Many of the Sydney region LALCs pioneered cultural heritage consultation and services with heritage consultants and development proponents. Since the gazettal of the NSW *National Parks and Wildlife Act* in 1974, a developing framework of statutory requirements and administrative policy has required the conduct of representative Aboriginal stakeholder consultation and engagement.

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[2] NSW Aboriginal Land Council Web site http://alc.org.au/land-councils/overview.aspx

8.1.2 Native Title Claimants

The Commonwealth *Native Title Act* was gazetted in 1993. The Act provides the legislative framework to:

(a) recognise and protect native title

(b) establish ways in which future dealings affecting native title may proceed, and to set standards for those dealings, including providing certain procedural rights for registered native title claimants and native title holders in relation to acts which affect native title

(c) establish a mechanism for determining claims to native title and

(d) provide for, or permit, the validation of past acts invalidated because of the existence of native title.

The enactment of the Native Title Act provides a statutory means for identifying a subset of Aboriginal stakeholders and the Country their land use, claims, or title relates to. It is a Commonwealth and NSW statutory and policy requirement in various development related assessment contexts to consult with Aboriginal groups and individuals who are native title holders, registered native title claimants, or parties to Indigenous Land Use Agreements[3].

The potential for native title to exist rests within a subset of limited legal specifications. The absence of Native Title, Native title determinations, or a finding that a claim does not reach a threshold for registration, should not be taken to mean that Aboriginal stakeholders do not exist for Country or that their representation is in anyway considered less under traditional custom and lore.

There are currently no Native Title holders or claims which apply to the WSA site. There are some active Native Title claims, and registered claimants relevant to lands situated elsewhere within the Cumberland Plain. These include:

- the South Coast People Claim (National Native Title Tribunal File no. NC2017/003) which includes lands to the east and south of the Georges River, 18km to the southeast of the WSA site,
- an Indigenous Land Use Agreement with the Cubbitch Barta Clan of the Dharawal People situated at Helensburgh, 40km to the southeast of the WSA site (National Native Title Tribunal File no NI2010/001).

8.1.3 Traditional Owner groups

Since the 1990s there has been a steady increase in the establishment and advocacy of Aboriginal stakeholder groups which seek to represent Traditional Owner interests. The membership of these groupings is typically structured around family, tribal kinship, local traditional knowledge, and ancestral descent. The organisation and structure of these groups ranges from informal and fluid, to constituted and incorporated bodies.

Traditional Owner groups may be seen to compliment or to variously challenge some aspects of Land Council's representation. For some, a Land Council's representation of local and traditional interests may be comprised by a membership based on residence and those with non-local traditional affiliations.

Many Traditional Owner groups seek to actively engage in the consultative processes which form part of planning and impact assessment processes. They may also provide a range of advocacy and cultural services to the Aboriginal and wider community.

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[3] Iin accordance with the *Native Title Act 1993* (Cth) and NSW *Native Title Act 1994),* where subject lands may be affected by a development.

8.1.4 Aboriginal people who live in Western Sydney with contemporary interest in cultural heritage

Through the consultation processes, Aboriginal people who live in Western Sydney have expressed interest in airport related cultural heritage matters and have been actively involved in the Stakeholder forums. They may or may not fall into one of the other groups above, or align themselves with a LALC. These people may be actively involved in the Aboriginal community and may also express their interest in the WSA and contemporary Aboriginal culture.

8.1.5 Other cultural institutions and organisations

In addition to the groups described above, there are other Aboriginal institutions and organisations established within the Sydney region which play an important role in the support, maintenance and celebration of the cultural life of its Aboriginal communities. These include community support groups, galleries and various cultural interpretation and service providers. Some of these express an interest in development related assessment and management of cultural values.

Examples of such institutions and organisations in the Western Sydney region include the Butucarbin Aboriginal Corporation and Muru Mittigar Aboriginal Cultural and Education Centre.

8.2 Stakeholder preferences for consultation and engagement

The following is a summary of views and preferences expressed by Aboriginal stakeholders in response to workshops and forum discussions on their preferred ways to be consulted:

- Recognition of Aboriginal stakeholders and different types of interest and connection
- A variety of communication methods are appropriate, including hard-copy handouts and postal correspondence, digital modes – particularly e-mail, and face to face discussion groups within and outside of the forum meetings
- Site Officer fieldwork is an important part of consultation. It allows for direct experience of Country and a tangible understanding of the issues and heritage involved
- Regular forum meetings are a useful means of face to face communication and interactive discussion
- Feedback on written responses would be useful
- Acknowledgement that hearing rather than reading views is important
- Forum meetings held during the day may limit participation for some working people
- It should be recognised that people contribute in different ways, and the different types of activity this involves, e.g. only fieldwork, fieldwork and forums, forums only, written feedback, verbal feedback etc.
- It would be fairer to link allocation of fieldwork and forum attendance
- Site visit to the Aboriginal sites was well received and these are valuable opportunities to see how cultural issues are being managed
- Darug people should have priority when consulting on local area traditional custom and lore
- There is a need to respect and protect of culturally sensitive information
- There should be opportunity to use Aboriginal ceremonies
- Rates for participation should be based on market rates and regularly reviewed
- The need to address a long-term timeline for Aboriginal engagement and

- It is important to engage with the broader Aboriginal community in Western Sydney, for example through the Community and Stakeholder Engagement Plan, as many people participating in the Aboriginal Stakeholder Forums are focused on Site Officer work and cultural issues.

9 Consultation, engagement and participation approaches

9.1 Identification of stakeholders

9.1.1 Aboriginal Stakeholders

The program of Aboriginal stakeholder conducted for the WSA EIS (DIRD 2016) established, and maintained over its life, a list of Aboriginal stakeholders who registered their interest in the project according to procedures specified by the NSW Office of Environment and Heritage (NSW DECCW 2010). In this instance, registration meant that the person or organisation had expressed an interest in being consulted as an Aboriginal stakeholder on the project. A large proportion were made in response to public notices placed in selected media in early 2015. Subsequent registrations were accepted on an *ad hoc* basis following an oral or written application.

The list of 50 Aboriginal stakeholders (as of October 2016) compiled for the EIS was adopted at the start of the current WSA Aboriginal consultation program. All stakeholders were invited to participate in the program.

Flyers inviting attendance at an initial Aboriginal stakeholder forum meeting (October 2017) were distributed in hard copy and/or in electronic format to all listed stakeholders with the suggestion that the flyer be displayed and distributed to potential attendees.

A search of registers held by the National Native Title Tribunal revealed no current native title holders, registered native title claimants, or Indigenous Land Use Agreement holders, of land within the WSA site.

Consistent with the objective of maintaining an open and inclusive process of consultation and casting a wide net for the identification of Aboriginal stakeholders, there is no end-date for the acceptance and listing of Aboriginal stakeholders. As the project progresses there may be other Aboriginal people within the community identifying specific interest such as through the Oral History or through cultural connections with Country that have not been evident to date.

There are 79 Aboriginal stakeholders who have expressed an interest in being involved in the WSA Aboriginal stakeholder consultation and engagement program.

For all expressions of interest received from Aboriginal individuals, groups or organisations, additional information may be requested as a prerequisite to listing. This includes:

- name, address and contact details of stakeholder
- main contact individual, and their contact details
- type of stakeholder (individual, family incorporation etc), and
- main areas of interest and preferred ways to be involved.

The review of the ISSP fieldwork program (NOHC May 2018) recommended that consideration be given to requesting, as due procedure, additional information from all existing listed Aboriginal stakeholders and applicants on the nature of their interest and their cultural relationship with the WSA site. Respondents should be advised that the information they provide may be inspected by other

listed Aboriginal stakeholders (unless approval is declined) and used in assessing fieldwork and other engagement allocations. Provision will be made for the identification of culturally sensitive information and the specifications of allowed uses of such information.

This plan adopts this recommendation.

This information is to be requested using standardised forms which are subject to progressive revision and updating.

A digital record of Aboriginal stakeholder information is compiled, updated and maintained to include existing and new listing within the database.

9.1.2 Other stakeholders

Other stakeholders who may variously identify as representative of Aboriginal stakeholder interests, but function as government or statutory authorities, can also be listed as Aboriginal stakeholders. Their participation and level of advocacy is understood to be guided by their mission and statutory role.

9.2 Consultation Formats

9.2.1 Document distribution

The implementation of the Aboriginal Cultural Heritage CEMP will involve the development and processing of many documents. These will serve as key instruments for defining required actions, recording the conduct and results of those actions, and providing content for interpretation. Many of these will be provided to Aboriginal stakeholders, either in draft or final form, as part of Aboriginal stakeholder consultation and engagement requirements set out in this Plan.

The dissemination and receipt of information is an integral function of implementing the Aboriginal Cultural Heritage CEMP. The following formats and modes of information and delivery will be applied:

Table 2 Table of Information formats and delivery

Documents	Delivery

Notifications:
 	
    meetings
    events
    document provision
    time limits
	Electronic file via e-mail as a first preference
	
	Hard copy via postal delivery

Documents for review:
 	
    Drafts
    Plans
    Reports
 	
Dissemination of documents:
 	
    Plans
    Reports
    Updates
    Meeting notes
 	
Forms and other templates
	Email as a first preference
	
	Hard copy, or electronic file on storage device (CD, USB etc), via postal delivery for those without email addresses, or where this mode specified as preferred.

9.2.2 Stakeholder feedback

All forms of stakeholder feedback are received and documented appropriately. Feedback may be in an oral or written format and delivered in formal and organised contexts, or in informal contexts and opportunistically.

Table 3 Table of Aboriginal stakeholder feedback formats

Feedback	
Forum and other meeting discussions	Notes and a record of presentations and discussion points to be made and distributed to listed Aboriginal stakeholders
Individual conversation or contact	Where appropriate, an oral discussion with an Aboriginal stakeholder will be documented where a position or view point is being presented which is pertinent to the conduct and evaluation of the Aboriginal cultural heritage management program.
Written submissions	Written submissions may be in the form of: • a pro forma provided as part of a forum meeting workshop; • an invited formal response to a stakeholder review of a draft document, plan or policy; • an email, or hard-copy letter.

9.2.3 Document review

The planning, direction and methodology of cultural heritage management actions, to be conducted on the WSA site will be developed and authorised through the production of plans. Each plan will form a subset of the Aboriginal Cultural Heritage CEMP.

Documents, as required, will be provided to Aboriginal stakeholders with an opportunity to provide a written response and comment to the WSA. The distribution and provision of documents may be guided by the interests identified by stakeholders when listed. Wherever possible a time period of at least two weeks will be provided for the provision of written comments by Aboriginal stakeholder. Some flexibility may be considered and longer timeframes provided for review and comment on complex documents or multiple documents, and if necessary face to face workshops may be held as the most effective means to address the documents and record comments.

Oral responses to documentation will be recorded at forum meetings, and during phone contacts or face to face interactions.

9.2.4 Forums and other consultation meetings

The conduct of meetings with the invited participation of all listed stakeholders is a key component of the Aboriginal Cultural Heritage CEMP implementation.

The aims of the consultation meetings (forums) are to:

- create a forum in which WSA can provide information so all participants can hear this at the same time and be involved in sharing their views and discussing relevant issues and providing feedback to WSA.

- provide a means of regular engagement with Aboriginal stakeholders and interested Aboriginal community members including the subsequent distribution of forum meeting notes to all listed stakeholders.

- provide an opportunity for Aboriginal stakeholders to liaise and consult directly with one another and with representatives of WSA and their contractors.

Forums may be held at regular time intervals or as required, will be publicised with flyers, updates and agendas, with an appropriate period of notice (e.g. 2 weeks).

The forums will provide an opportunity for the expression of stakeholder issues and concerns. It is important for these to be appropriately acknowledged and listened to in an environment of mutual respect and trust. An agreed Code of Conduct will act as a basis for managing acceptable behavior by all attendees. A copy of the Code of Conduct for forum meetings is included in Attachment A.

A venue for the meetings will be arranged according to an appreciation of the meeting aims, requirements, and availability of venues. Preference will be given to venues which are within proximity to the WSA site.

A record of the agenda, presentations, discussions and other proceedings of each meeting will be kept in an appropriate format and distributed to all listed stakeholders as soon as possible after each meeting, and made available on request.

9.2.5   Other meetings or workshops

In addition to Aboriginal stakeholder forum meetings, other meetings or workshops may be conducted by WSA, as required and considered necessary. The aim and function of these meetings may be to facilitate discussion and seek feedback:

- on specific implementation such as indicated in the Topsoil Protocol and the Oral History Plan

- matters of concern to one or more stakeholders or group of stakeholders or

- where matters of a confidential or culturally sensitive nature may need to be raised or discussed

9.2.6   Site Visits

Authorised visits and excursions to the WSA site for Aboriginal stakeholders may be conducted on a periodic or ad hoc basis, as required, for:

- providing an opportunity for Aboriginal stakeholders who may not otherwise visit the site, to gain direct experience of the WSA site and its Aboriginal sites

- providing an opportunity for Aboriginal stakeholders to meet their cultural responsibilities regarding the care and maintenance of cultural values and a connection to Country

- presenting information and facilitating discussion on planned, proposed or current Aboriginal cultural heritage management actions

- facilitating the provision of information and the development of Aboriginal cultural heritage management strategies from Aboriginal stakeholders and

- supporting Aboriginal community interaction with the WSA site, cultural activities and undertaking ceremonies.

9.2.7 Stakeholder Consultation

Where a management action or program will require advice from Aboriginal stakeholders, there will be further stakeholder consultation.

9.3 Participation in Fieldwork

The Airport Plan Condition 11 requirements specify that implementing the Aboriginal Cultural Heritage CEMP must:

Provide an opportunity for Aboriginal stakeholders to participate in field actions involving the mitigation and management of Aboriginal cultural values. (EIS Table 28-13, p.37)

This recognises the principles that:

- it provides an opportunity for the nominated representatives of Aboriginal stakeholders to gain direct experience of the land and Aboriginal sites and the opportunity for participants to inform and contribute to the implementation of the CEMP

- it provides an opportunity for Aboriginal stakeholders to meet their cultural responsibilities regarding the care and maintenance of cultural values and a connection to Country.

The field programs associated with Aboriginal cultural heritage management actions include:

Preparatory actions

- targeted archaeological survey for surface archaeological evidence within areas not yet subject to archaeological survey (and which have not been subject to major disturbance)

- collection (salvage) of previously recorded surface artefacts, (where still evident)

- targeted archaeological survey for, and inspection of surface sandstone outcrops, within areas not yet subject to archaeological survey

- recovery (salvage) of any sandstone surfaces with Aboriginal markings

- targeted archaeological (sub-surface) salvage excavation of a representative sample of site types and areas with assessed relatively higher archaeological value and

- management of selected top soil according to the provisions of the Topsoil Protocol for the management of topsoil assessed as likely to contain a relatively high density of Aboriginal artefacts.

Stage 1 construction

- all the Preparatory actions, as well as

- participation in any fieldworks associated with the *in situ* management of Aboriginal sites B40 and B120, or other sites (or potential archaeological deposits) within the Environmental Conservation Zone, as specified in Conservation Management Plans and the Environmental Conservation Zone Management Plan and

- Inspection, assessment and management of unanticipated finds according to the provisions of the unexpected finds protocol.

9.3.1 Role of Site Officers

Aboriginal stakeholders who have expressed their interest in the WSA survey and salvage program will be invited by WSA to nominate field appropriately experienced representatives in the role of Site Officers.

The engagement of Site Officers will be by WSA arrangements with Aboriginal stakeholder groups or via agreement/contract between the WSA appointed Aboriginal Cultural Heritage consultant and the Aboriginal Stakeholder. Site Officers are employed by their respective Aboriginal Stakeholders.

All Site Officers must be covered by Workers Compensation and Public Liability Insurance. It is the responsibility of the nominating Aboriginal stakeholder to obtain this cover and to show proof of currency to WSA or the WSA appointed Aboriginal Cultural Heritage consultant.

A Site Officer must be appropriately qualified and/or experienced to fulfil some or all of the following activities, roles and responsibilities:

- Undertake field surveys, inspections, salvage collection, archaeological excavation and the processing of excavated material as directed by the contracted archaeologist and as specified in the Survey and Salvage Plan

- Complete an attendance register each day and ensure the attendance register is authorised by WSA or the contracted archaeologist

- Attend a Health Safety and Environment (HSE) briefing and sign onto the Safe Work Method Statement (or equivalent document) for each day of fieldwork

- Comply with all health, safety and environmental or other administrative or logistical requirements of the fieldwork advised by the directing archaeologist

- Communicate with other members of their stakeholder organisation or group regarding their experience and understanding of the fieldwork program and WSA survey and salvage sites

- Provide heritage and cultural advice during the investigations as considered appropriate

- Participate in a manner which will ensure the health and safety of themselves and others

- Act reasonably with honesty and in good faith

- Refrain from any conduct that may cause a reasonable person unwarranted offence or embarrassment and

- Comply with WSA site management and safety and other requirements.

The conditions of engagement, and roles and responsibilities of Aboriginal stakeholder fieldwork representatives will be specified and form part of Aboriginal stakeholder engagement agreements. An example of conditions of engagement applied for Preparatory actions conducted on the WSA site to date are provided in Attachment C.

A program of accreditation and where needed induction training (as indicated in the Topsoil Protocol) for Site Officers will be implemented to ensure that appropriately skilled and experienced personnel

can be allocated to particular tasks. The evaluation of accreditation will be conducted by WSA or the appointed Aboriginal Cultural Heritage consultant and will be based on:

- A set of criteria made available to listed stakeholders

- Evidence requested from, and submitted by, Aboriginal stakeholders and their Site Officers

- Demonstrated skills and past record during fieldwork and

- Availability, and time-period required to be onsite.

Accreditation may include one or more of the following task categories:

- General fieldwork – survey and excavation

- General fieldwork – survey only

- General fieldwork – trainee

- Topsoil Protocol

- Unexpected finds protocol

The accreditation of a Site Officer may be reviewed and revised at any time and must be associated with appropriate notice and communication with the Site Officer and the Aboriginal Stakeholder group they represent.

Short notice proxies standing in for stakeholder nominated Site Officers will not be accepted without prior agreement.

9.3.2 Trainees

There is provision for one trainee to be included in a field team. This position may be allocated by the appointed Aboriginal Cultural Heritage consultant on a daily basis according to a roster and shared across those Aboriginal stakeholders which have previously applied for, nominated, and had approved, suitable trainee personnel.

Each trainee is the responsibility of, and must be accompanied by, an approved Site Officer from the nominating Aboriginal stakeholder, who has an otherwise been allocated a field position on that team.

All trainees must be covered by Workers Compensation and Public Liability Insurance. It is the responsibility of the nominating Aboriginal stakeholder to obtain this cover and to show proof of currency to the directing archaeologist.

Trainees must comply with all conditions and requirements of fieldwork engagement as outlined for Site Officers. Responsibility for the provision of training rests with the accompanying Site Officer. Any fees or costs related to the attendance of the trainee is the responsibility of the nominating Aboriginal stakeholder.

The conditions of engagement, and roles and responsibilities of Aboriginal stakeholder fieldwork representatives are provided in Attachment C.

9.3.3 Role of Observers

This role recognises that there may be situations where there is a cultural imperative for an Aboriginal stakeholder or representative (such as an Elder or knowledge holder/custodian) to be present for a particular field-based cultural heritage management action, and where there is no active fieldwork role available for that participant (such as during specific or specialist salvage or recording actions).

In such circumstances, the role of an observer would be to be present and observe the actions of the field team, as required by cultural tradition and custodial obligation.

9.3.4 Review and input to methodology

A plan for Aboriginal stakeholder consultation and engagement for the development of an Initial Survey and Salvage Plan was approved in October 2017 (NOHC Oct 2017).

The plan included:

- the development of a list of Aboriginal stakeholders,

- the conduct of Aboriginal stakeholder forums for the presentation and discussion of draft plans, with an opportunity to review content and provide comment (either orally at forums, or by written comment or submission,

- the development of a final plan taking into consideration inputs received from Aboriginal stakeholders.

The Survey and Salvage Plan approved in December 2017, and varied in August 2018, may provide a basis for undertaking further survey and salvage should this be required.

9.3.5 Composition of field teams

A surface survey and/or salvage team will comprise of the following:

- one primary archaeologist;

- one assisting archaeologist; and

- four Aboriginal Site Officers.

A salvage excavation team will comprise of the following positions:

- one primary archaeologist;

- three assisting archaeologists; and

- eight Aboriginal Site Officers;

9.3.6 Allocation of Site Officer engagement

The allocation of Site Officer positions within field teams will be according to a roster system. The roster system will be developed using the principles and objectives outlined in the Airport Plan, in consultation with Aboriginal stakeholders, and will be subject to periodic processes of review and revision.

It is recognised that the development of a fieldwork roster is an iterative and progressive process and the basis for allocating field work may change and be revised throughout the implementation of the Aboriginal Cultural Heritage CEMP.

Consultation conducted with Aboriginal stakeholders for the ISSP program (Oct. – Nov. 2017) was unable to establish a consensus on a basis or structure for a roster.

Review would take into account that the Infrastructure Department trialed fieldwork participation between January 2018 and April 2018 that is outlined below. Changes such as responding to feedback by stakeholders on the allocation of fieldwork, to recognise market rates for fieldwork and efficiency improvements would be considered. Adopted rosters will be subject to periodic review.

9.3.6.1   The roster trialed for the ISSP field program

The roster developed for and conducted for the field program related to preparatory activities was finalised by the Infrastructure Department based on recommendations by the Heritage Consultant and Aboriginal stakeholder inputs from Forum meeting discussions and invited written comments. The roster, and the composition of survey and salvage fieldwork teams, was trialled by the Department and was subsequently evaluated in May 2018 (NOHC May 2018).

The trial roster for the engagement of Aboriginal stakeholder site officers was intended to support participation in the fieldwork program. It was based on the following:

- The interest in participating and information provided by each Aboriginal stakeholder group

- The representativeness of the Aboriginal stakeholder group with regard to the Western Sydney region,

- The size of the membership of the Aboriginal stakeholder group, and

- The extent to which the interest and activity of the Aboriginal stakeholder group is focused on the Western Sydney region.

Each Aboriginal stakeholder with an expressed interest in participating in the fieldwork program and the required insurances was assigned Site Officers according to the following groupings:

1. Stakeholders with a large membership and which are only focused on Western Sydney

   There is one organisation with a large membership in this group, the Gandangara Local Aboriginal Land Council. This stakeholder was allocated site officer participation of 14 days.

2. Stakeholders focused on the Western Sydney region

   There are currently 12 stakeholders in this grouping. Each stakeholder was allocated seven days of Site Officer participation, with a combined total of 84 days.

3. Stakeholders active in the Western Sydney region and other parts of NSW

   At the last allocation of rostered positions, there were 53 stakeholders in this grouping. Each stakeholder was initially allocated two days of Site Officer participation. Following a ten-day extension of the salvage excavation program, one extra day was allocated to group three stakeholders, in order of earliest to latest listing date. The total number of group allocations was 154 days.

A requirement for flexibility in the roster was created by the need to allow for cancelled days due to weather, possible extensions of time to the field program and the increasing number of stakeholders who were qualifying for participation. An important aspect of the roster function was the ability to match the number of site officer participation days with the scope of the survey and salvage program.

9.3.6.2   Stage 1 roster development

WSA will consider options for the development of a roster for the allocation of fieldwork to Aboriginal stakeholders for the Stage 1 WSA construction program and either:

a) In the absence of a consensus or agreement amongst Aboriginal stakeholders about the basis and structure of a roster, development of a roster by WSA, taking into consideration consultation with Aboriginal stakeholders; or

b) Development of a roster based on a consensus or agreement amongst Aboriginal stakeholders. This could be achieved through a broadly based consultation process via Forum meetings and consultation, or a more focused and delegated process. A roster developed under this option would be subject to approval by WSA.

9.4 Ceremony

This plan acknowledges the conduct of Aboriginal ceremonies and acts of commemoration as two important potential forms of Aboriginal stakeholder engagement and participation in implementing the Aboriginal Cultural Heritage CEMP.

The initiation, timing and content of such events, (or emplacements), are the prerogative of acknowledged Aboriginal people with these cultural responsibilities in the Aboriginal community in consultation with WSA It recognises that people such as the Darug linguistic group and those connected to the Country of the Cumberland Plain have a key role in the approval, conduct and display of traditional lore and custom related to the WSA site.

The conduct of ceremonies and the commemoration of cultural values are interrelated and will be considered by WSA with reference to each other.

9.5 Interpretation and commemoration of cultural values

Performance criteria for managing Aboriginal cultural heritage (EIS Chapter 28 Table 29-12) include

The Aboriginal cultural heritage values of the airport site are commemorated in the detailed design of the airport, for example, through on-site archiving and curation of heritage items, the naming of places and public display materials (EIS Chapter 28 Table 28-12, p.35).

EIS Chapter 28 Table 28-13 specifies that:

The Aboriginal cultural heritage values of the airport site will be commemorated. Options for consideration may include:

- *the use of Darug words and language in the naming of places and infrastructure*

- *the dedication of various spaces and places for the placement of art and interpretive elements, storage and display of cultural items, and/or the conduct of cultural activities and*

- *the provision of public access and interpretive facilities at Aboriginal sites conserved in situ within the Environmental Conservation Zone (such as for sites B40 and B120), subject to safety and security requirements.* (p.39).

This Plan acknowledges the importance of this component of the Aboriginal Cultural Heritage CEMP to Aboriginal stakeholders and the Aboriginal community. This plan will seek to ensure that the use of cultural elements, artefacts and individual oral stories and memories is appropriate, respectful and that proposals will be supported by people acknowledged in the Aboriginal community as having the appropriate cultural authority.

WSA acknowledges that the conduct of ceremonies and the commemoration of cultural values are interrelated, and these matters will be addressed with reference to each other.

The process for the development and conduct of interpretation and commemoration will be the subject of future work and resource allocation as part of the Aboriginal Cultural Heritage CEMP implementation.

9.6 Curation and repatriation of cultural material

The Airport Plan and its associated requirements specify that:

One of more areas of open ground will be reserved within the Environmental Conservation Zone, as required, and managed for the primary purpose of repatriation of salvaged Aboriginal cultural material through reburial. The area(s) will be selected and managed in consultation with Aboriginal stakeholders. This provision is to accommodate the repatriation of cultural material for which it is not considered necessary by Aboriginal stakeholders to store above-ground, or to retain access for cultural purposes, interpretation, education or research.

Following completion of archaeological description and analysis, Aboriginal cultural material salvaged from the airport site has been temporarily stored in an appropriate secure place onsite. The medium and longer term arrangements for curation, repatriation and storage will be undertaken in consultation with Aboriginal stakeholders and relevant government agencies.

The longer term storage of material not to be repatriated through reburial, and potential material salvaged from other developments in Western Sydney and the Cumberland Plain, will addressed through collaborative consultation by the Infrastructure Department. This will involve Aboriginal stakeholders and the Aboriginal community, the NSW Office of Environment and Heritage, and relevant Australian and local government agencies, with the aim of establishing, with the support and collaborative action of governments and other stakeholders, an Aboriginal cultural heritage 'keeping place' that would provide secure, above ground storage of artefacts and enable future access for cultural purposes, interpretation, education or research (EIS Table 28-13, p39). As indicated earlier in this plan, WSA commits to working collaboratively with the Infrastructure Department and Aboriginal stakeholders and other stakeholders to support this consultation.

Based on the Airport Plan specifications there are three phases to the conduct of curation actions:

- a description and analysis phase involving the laboratory management of cultural material during archaeological description and analysis
- the short-term storage and management of recovered cultural material in an on-site facility; and
- a long-term phase in which the repatriation of cultural material ('Return to Country', through reburial) may be conducted following appropriate reservation of open ground within the Airport site, and other potential actions for material which may potentially be identified for above-ground curation are determined through a further and ongoing program of stakeholder consultation.

Consultation with Aboriginal stakeholders will be conducted on all phases of the required curatorial actions. A plan will be developed based on consultation to address the short and long-term phases of the curation program.

Consultation will include:

- the presentation of outlines, updates, discussion and presentation of plans for review and comment at Aboriginal forum meetings
- provision of forum notes and updates to all listed Aboriginal stakeholders
- provision of draft plans to all listed Aboriginal stakeholders with an invitation to provide written and oral responses and
- provision of, or access to, a copy of the approved plans to all listed stakeholders.

Consideration will be given to:

- the conduct of site visits to potential locations for below-ground repatriation and potential sites for above ground curation facilities and

- other meetings or workshops with specific stakeholders and groups.

The conduct of Aboriginal stakeholder consultation regarding long-term curation proposals will be integrated with the broader stakeholder consultation program led by the Infrastructure Department for the investigation of and development of a 'keeping place'. The conduct of the 'keeping place' consultation program will be the subject of a separate plan.

9.7 Activity approaches

The following tables summarises the consultation and engagement approaches for each component of the Aboriginal Cultural Heritage CEMP. Some of these actions are detailed further in the relevant sub-plans or protocols.

Western Sydney Airport

Table 4 *Consultation and engagement approaches to implement the Aboriginal Cultural Heritage CEMP.*

Consultation and engagement	Aboriginal stakeholder consultation and engagement	Conservation management of Aboriginal sites to be retained *in situ*	Program of archaeological survey and salvage (as further programs are needed))
Document distribution	Forum invitations, fliers and notes Workshop discussion and feedback sheet Updates by-hand Draft plan email Approved plan post	Forum invitations, fliers and notes Updates by-hand Draft CMP email Approved plan post	Forum invitations, fliers and notes Workshop discussion and feedback sheet Updates Draft plan(s) email Approved plan(s) post
Stakeholder feedback	Forum discussion email Written submissions phone	Forum discussion email Written submissions phone	Forum discussion email Written submissions phone
Document review	Draft Plan Draft revised versions of plan	Draft Conservation Management Plan for sites B120 and B40 Draft input to Management plan for Environmental Conservation Zone	Draft Initial Survey and Salvage Plan Draft Survey and Salvage Plan Draft revised versions of plan
Meetings/workshops	Presentations and discussion 4. Other meetings/workshops as requested/required	Presentations and discussions Other meetings/workshops as requested/required	Presentations and discussions Other meetings/workshops as requested/required
Site visits	As arranged for other actions/programs	Site inspection of B120 and B40, other sites as necessary e.g. selected topsoil relocation sites	Periodic site visits of excavations or other features for stakeholders who would otherwise not have an opportunity to observe/inspect sites and conduct of excavations
Fieldwork	As arranged for other actions/programs		All archaeological survey and salvage programs conducted with the allocated engagement of Aboriginal stakeholder Site Officer representatives

Consultation and engagement	Aboriginal stakeholder consultation and engagement	Conservation management of Aboriginal sites to be retained *in situ*	Program of archaeological survey and salvage (as further programs are needed))
Commemoration & ceremony	In liaison with Aboriginal stakeholders and approved by WSA.	In liaison with Aboriginal stakeholders and the Aboriginal community as approved by WSA.	In liaison with Aboriginal stakeholders and the Aboriginal community as approved by WSA.

Consultation and engagement	Oral History Program	Topsoil Protocol	Unanticipated finds protocol
Document distribution	Forum invitations, fliers and notes Workshop discussion and feedback sheet Updates by-hand Draft plan email Approved plan post Draft and final report	Forum invitations, fliers and notes Workshop discussion and feedback sheet Updates by-hand Draft protocol email Approved protocol post	Forum invitations, fliers and notes Updates by-hand Draft protocol email Approved protocol post
Stakeholder feedback	Forum discussion Written submissions email phone	Forum discussion Written submissions email phone	Forum discussion Written submissions email phone
Document review	Draft Plan Draft Report	Draft protocol Draft revised versions of protocol	Draft protocol Draft revised versions of protocol
Meetings/workshops (specific consultation to support implementation)	Presentations and discussion Other meetings/workshops as requested/required	Presentations and discussions Other meetings/workshops as requested/required	Presentations and discussions Other meetings/workshops as requested/required

Consultation and engagement	Oral History Program	Topsoil Protocol	Unanticipated finds protocol
Site visits		Potential for inspection of conduct of protocol, prior to main construction works or temporary or long term relocation sites	If and as required depending on nature of find(s)
Fieldwork	Pre-interview liaison and interview sessions with interviewees	Monitoring of top soil recovery by allocated and qualified/experienced Site Officers	Site Officer or other representative involvement as required by protocol in assessing significance and management of find(s)
Commemoration & ceremony	In liaison with Aboriginal stakeholders and Aboriginal Community as approved by WSA.	In liaison with Aboriginal stakeholders and Aboriginal Community as approved by WSA.	In liaison with Aboriginal stakeholders and Aboriginal Community as approved by WSA.

Consultation and engagement	Induction training	Commemoration of Aboriginal heritage	Curation and repatriation of cultural material (to be integrated with program of consultation with the aim of establishing a Keeping Place which will be directed by a separate plan)
Document distribution	Forum invitations, fliers and notes Updates by-hand Induction materials email post	Forum invitations, fliers and notes Workshop discussion and feedback sheet Updates by-hand Draft report (or equivalent) email Approved report (or equivalent) post	Forum invitations, fliers and notes Workshop discussion and feedback sheet Updates by-hand Draft plan email Approved plan post
Stakeholder feedback	Forum discussion Written submissions email phone	Forum discussion Written submissions email phone	Forum discussion Written submissions email phone
Document review	Induction materials	Draft report (or equivalent)	Draft plan Draft revised versions of plan
Meetings	Regular Forum presentations and discussion Other meetings as requested/required	Regular Forum presentations and discussions Other meetings as requested/required	Regular Forum presentations and discussions Other meetings as requested/required
Site visits		Inspection and review of potential sites for commemorative infrastructure	If and as required depending on nature of find(s)
Fieldwork	Potential opportunity for Aboriginal people to present cultural information as part of some components of induction program	Potential engagement of Aboriginal artists and crafts persons in construction/installation of commemorative items.	Site Officer or other representative involvement as required by protocol in assessing significance and management of find(s)
Commemoration & ceremony		As initiated by Aboriginal stakeholders and Aboriginal Community as approved by WSA.	As initiated by Aboriginal stakeholders and Aboriginal Community as approved by WSA.

9.8 Remuneration

In keeping with the principles outlined in section 3.2, it is recognised that certain aspects of Aboriginal stakeholder participation and engagement within the scope of Aboriginal Cultural Heritage CEMP should be recognised as cultural advice and contributions and therefore subject to remuneration.

This plan provides for current market based remuneration to Aboriginal participants for the following pre-authorised costs and actions (subject to specified conditions):

- Reasonable travel costs to and from Aboriginal stakeholder forum meetings
- Reasonable travel costs to and from rostered Site Officer fieldwork engagement
- A standard fee for the invited review and provision of a written response to a specified draft document, such as a policy statement, management plan or report
- Hours worked (at standard hourly rates) as a Site Officer or Observer/attendee, including a standard lunch allowance
- Hours engaged (at a standard hourly rate) as an oral history interviewee and
- Hours engaged (at standard hourly rates) for specific consultation on cultural matters

Attachment B provides an outline of WSA's approach to remuneration. This approach reflects feedback from Aboriginal stakeholders.

Attachment C provides an outline of the current conditions of engagement, roles and responsibilities of Aboriginal stakeholder fieldwork representatives (Site Officers).

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10 IAP² Participation Spectrum

The International Association of Public Participation (IAP²) Spectrum of Public Participation, shown in **Figure** , is an international standard that aims to ensure public participation is given a place in project planning, design and delivery phases (IAPP 2014).

This plan facilitates Aboriginal stakeholder engagement in all the Aboriginal cultural heritage management program actions up to the 'Involve' category, and where possible also to 'Collaborate' and 'Empower'. These evaluations are shown in **Table 5**
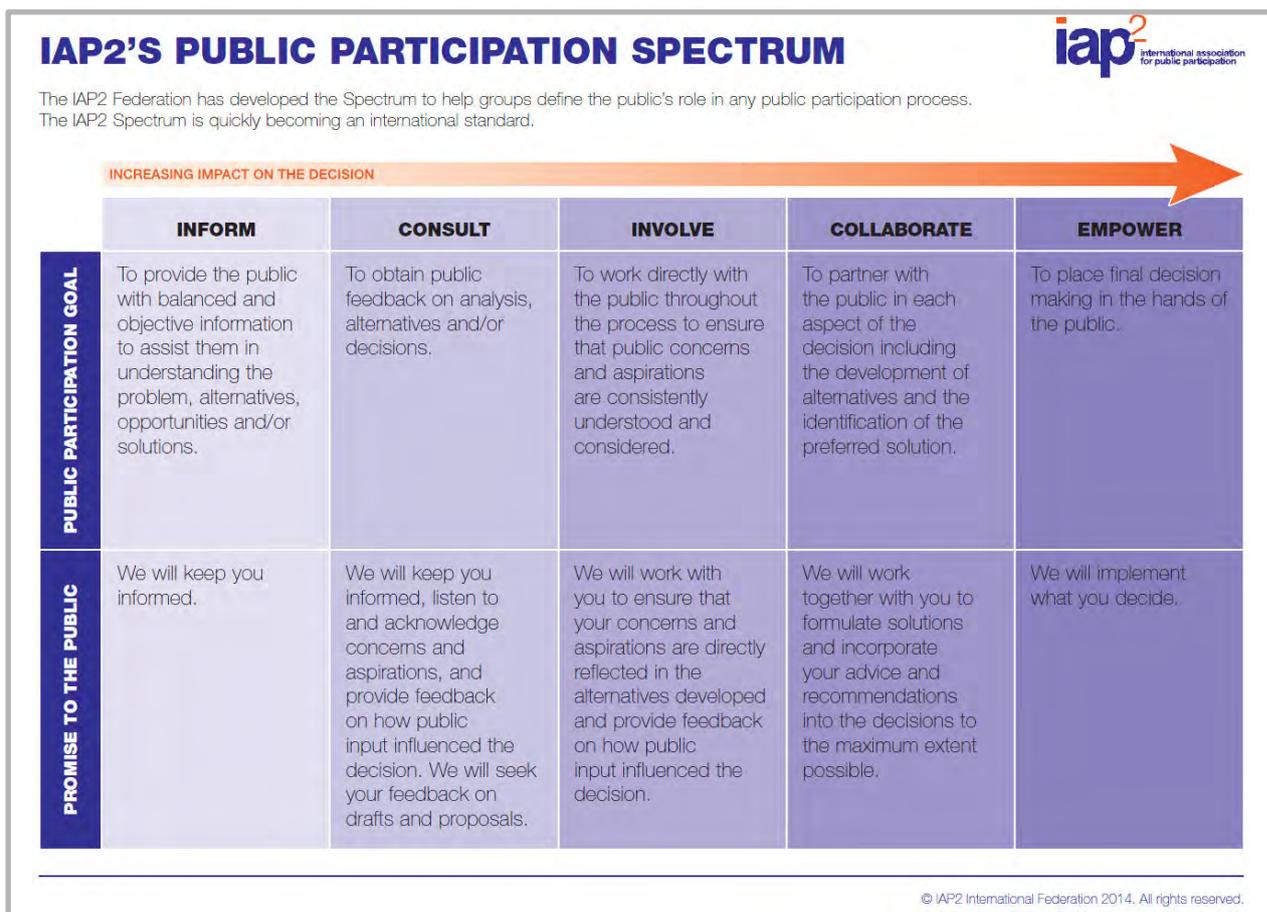
Figure 3IAP²'s Public Participation Spectrum (IAPP 2014)

Western Sydney Airport

Table 5 Evaluation of IAP2 engagement levels applied in this plan

IAP² engagement level	Formats and Approaches	Actions
Inform	Forum invitations, fliers and notes via email/post Updates via email/post Forum meetings Community information events (for example Drop-in Community Information Sessions) Community Updates Site visits Provision of final version documents Oral history information sheets and pre-interview sessions	ASC&E CAH CMASR CRCM IT OHP PAS&S TP UFP
Consult	Forum meetings & discussion Distribution of Forum notes Workshops & discussion & feedback sheets Opportunities for draft document review and submission of oral and written feedback Stakeholder consultation actions, consultation and Forum reporting Site visits Provision of final version documents	ASC&E CAH CMASR CRCM IT OHP PAS&S TP UFP
Involve	Fieldwork engagement Site Officer involvement in field methodology decisions, and protocol assessments Aboriginal stakeholder consultation and actions, including field actions and direction, and direction of oral history, commemoration, and topsoil programs Opportunities for draft document review and submission of oral and written feedback Site visits	ASC&E CAH CMASR CRCM IT OHP PAS&S TP UFP
Collaborate	Development of consultation formats and actions Pre-field and in-field decision making and revision of archaeological methodology Development of conservation management of *in situ* sites Decisions regarding need for, and selection of site visit destinations Identification of Topsoil protocol placement sites	ASC&E CAH CMASRI CRCM OHP PAS&S UFP

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IAP[2] engagement level	Formats and Approaches	Actions
	Management of unanticipated finds	
	Aboriginal ceremonies and commemoration plans and actions	
	Curation of cultural material	
	Development of oral history content, publication/dissemination, and formats	
Empower	Decisions regarding long-term curation, repatriation, and management of recovered heritage items	CAH CRCM OHP
	Aboriginal ceremonies decisions and actions	
	Development of Oral history content, publication/dissemination, and formats	

Key to Actions column:

ASC&E – Aboriginal stakeholder and engagement
CMASRI – Conservation management of Aboriginal sites to be retained *in situ*
PAS&S - Program of archaeological survey and salvage
OHP – Oral history program
TP – Topsoil protocol
UFP – Unanticipated finds protocol
IT – Induction Training
CAH – Commemoration of Aboriginal heritage
CRCM – Curation and repatriation of cultural material

11 Complaints management approach

The management of complaints will be developed and implemented consistent with the Community and Stakeholder Engagement Plan and follow a general approach comprising of the following steps:

1. Documentation
2. Referral and assessment
3. Determine actions as required
4. Provision and communication of a response and
5. Additional follow-up actions (e.g. confirm understanding and resolution of the issue) as required.

This approach may be adapted taking into account the nature of the complaint. For example, there may be a complaint where anonymity is required or requested, or there may be cultural sensitivities or various views held among stakeholders or within the Aboriginal community.

Documentation

The nature and content of the complaint will be documented, together with the name and contact details of the complainant(s) and the recorder.

Referral and assessment

The complaint will be referred to the relevant individuals and authorities for assessment.

Determine actions as required

An evaluation of the complaint will be conducted, including consideration of any cultural or community sensitivities and the best ways to address the issues with respect and sensitively. A determination of any required actions will be made after taking these factors into account.

Provision and communication of a response

A response to the complaint will be prepared and communicated to the complainant, in writing, and where relevant, also provided to related parties. If the person prefers oral communication then an appropriate response should be provided orally (face to face or by phone)

Additional follow-up actions as required

Conduct any actions committed to as a consequence of the response or in discussions following provision of the response. As needed, confirm understanding and resolution of the issue.

A complainant may seek clarification or a review of a position through correspondence with WSA.

12 Data Management and privacy

A digital record of Aboriginal stakeholder information and participating Aboriginal community members and organisations will be maintained and regularly updated.

A record of communication between WSA, its agents, and Aboriginal stakeholders will be maintained in Consultation Manager database.

Personal names and contact information will not be released without permission.

Photos of Aboriginal people will not be taken without permission or used by WSA or its contractors without prior consent of all people photographed.

13 Review

13.1 Plan review

This plan will be the subject of regular review, evaluation and revision. This is necessary to ensure that the components of the plan continue to address the requirements of the Airport Plan and the Aboriginal Cultural Heritage CEMP, requirements of the staged development of the airport, and feedback relating to the best ways to consult and engage with Aboriginal stakeholders and the Aboriginal community.

The review of the plan will occur at relevant strategic points within the planning and development timelines of the project, or at intervals of at least 18 months.

Proposed revisions to the plan will be presented to Aboriginal stakeholders for discussion and comment (including the opportunity for both oral and written responses).

13.2 Ongoing improvement to approaches

It is recognised that this plan will be refined and adapted throughout its application, in parallel with the conception, development and construction of the airport. The effectiveness of its provisions will also be evaluated and its defined actions and approaches subject to revision and refinement.

It is expected that the approaches employed for the specified actions to implement the Aboriginal Cultural Heritage CEMP will be progressively refined and tailored in response to experiential feedback.

13.3 Actions to be reviewed

A WSA evaluation of the plan may include consideration of the following:

- The effectiveness of consultation
- Communication formats
- The effectiveness and need for other meetings/workshops and face-to-face formats
- The provision of stakeholder inputs
- The logistics and efficiency of stakeholder communication
- Stakeholder identification
- Site Officer evaluation and recognition of skill levels
- Allocation of fieldwork, rostering and engagement
- The format and effectiveness of document review
- Program resourcing
- Integration with *Keeping Place* consultation led by the Infrastructure Department and
- Communication approaches involving both the Infrastructure Department and WSA.

14 References

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Attachments

A. Code of Conduct

Code of Conduct

Western Sydney Airport Aboriginal Stakeholder Forums

Navin Officer Heritage Consultants Pty Ltd

We, the participants of this stakeholder forum, agree on the following Code of Conduct with the aim of creating a positive, productive and respectful forum for consultation and discussion.

Role of Aboriginal Stakeholder representatives

- Foster a safe, positive and co-operative forum for the sharing and contribution of information and points of view;

- Participate in the consultation process and present information honestly and transparently on behalf of their respective stakeholder organisation or grouping; and

- Provide any received information and feedback to the membership of their stakeholder organisation or grouping.

Responsibilities of Forum participants

All participants will:

- Respect the direction of the forum chair;

- Respect the opinions of other participants;

- Treat all participants with respect and courtesy;

  - Enable all participants to be equally heard, and not speak while someone else is speaking;

- Listen to all points of view;

- Take all relevant information into consideration;

- Act reasonably with honesty and in good faith; and

- Refrain from any conduct that may cause a reasonable person unwarranted offence or embarrassment.

B. Aboriginal stakeholder remuneration

Rates, charges, and conditions of engagement

Western Sydney Airport Aboriginal stakeholders

Fees, Rates and Charges

The following fees, rates and charges can be invoiced by approved Aboriginal stakeholders for the following forms of participation and engagement in the Aboriginal cultural heritage management program.

All payment claims must be submitted using a correctly filled out and submitted Invoice and be supported by any required documentation and claim forms.

Travel fuel and public transport expenses for attendance at Aboriginal Stakeholder Forums and rostered fieldwork

All claims must be supported with documentation of travel details and a completed claim form.

Expenses for attendance at Aboriginal Stakeholder Forums or rostered fieldwork can be claimed for one representative per organisation, or one per individual listed stakeholder. One expense claim only per vehicle used.

Travel fuel

One expense claim per stakeholder organisation or individual listed stakeholder (as appropriate), at a fair rate per km, up to a maximum number of kilometers as set from time to time.

Public transport

One expense claim per stakeholder organisation or individual listed stakeholder (as appropriate), Value of ticket/receipt for the travel involved (to be provided) would be reimbursed.

Payment for requested written responses and review comments on draft or presented plans, policy and reports

An agreed fee per stakeholder submission received within the requested timeframe, per submission period (i.e. not per document reviewed, but for responses on the package of documents open for review within a specified period generally prior to the next forum]).

Fieldwork participation

Payment will be offered to stakeholder groups who can provide suitably qualified/experienced and equipped Sites Officers with demonstrated current workers compensation insurance, and who can meet specified work health and safety, PPE and other engagement conditions.

Engagement in the available field team positions will be spread across stakeholder groups according to a roster system and maximum team numbers to be determined with reference to site limitations, conditions and tasks.

Sites Officer rate $ Market rate (as set from time to time)

The role of a Site Officer is to conduct a variety of survey, collection, recording and excavation tasks as directed by the heritage consultant, and to communicate information and observations back to members of their organisation.

Observer/attendee rate $Market rate

The role of an observer or attendee is to be present and observe the actions of the field team. This role recognises that there may be situations where there is a cultural imperative for a representative to be present for a particular field-based cultural heritage management action, and where there is no active role available for that participant (such as during specific or specialist salvage or recording actions).

Lunch allowance

Lunch costs during rostered fieldwork participation can be claimed at a fair rate per day on site

Oral history and testimonials

Interviewee rate $Market rate

Fieldwork conditions of engagement

The participation of Aboriginal stakeholders in Aboriginal heritage fieldwork programs will be dependent on agreement to certain conditions and requirements. These will be listed in a Letter of Offer provided by WSA to Aboriginal stakeholders who seek to be involved in fieldwork.

To maintain Aboriginal stakeholder independence, and compliance with insurance cover, payments for fieldwork can only be made to a stakeholder organisation, company or other body which is the employer of the field participant.

In cases where there is no such body, participation through an employment agency may be possible.

The conditions of fieldwork participation will include:

- The scope of work

- Expected work tasks

- Field participation being subject to stakeholder receipt of a formal Letter of Offer and the availability of a rostered placing

- The provision by stakeholders of suitably qualified and/or experienced representative participants to undertake field investigations

- Participants complying at all times with all Western Sydney Airport Site Protocols and any Health, Safety and Environment or other administrative or logistical requirements of the fieldwork advised by WSA

- Participants supplying their own required personal protection equipment (PPE) in satisfactory condition (PPE includes hard hat, high visibility clothing, steel capped lace-up boots, etc.)

- The provision by stakeholders of current Business names and Australian Business Numbers (ABN)

- The provisions by stakeholders of proof of current public liability insurance (minimum level of $10,000,000) and current Workers Compensation Insurance

- Participants meeting obligations to sign attendance registers and to attend Site Protocol briefings and Work Health and Safety briefings and sign on to Safe Work Method Statements (or equivalent)

- Invoicing and payment conditions and

- Stakeholders providing a properly rendered tax invoice to receive payment for fieldwork participation.

![Western Sydney Airport logo]

C. Conditions of Engagement, and Roles and Responsibilities of Aboriginal stakeholder fieldwork representatives

Conditions of engagement

The participation of Aboriginal stakeholders in Aboriginal Cultural Heritage CEMP fieldwork programs will be dependent on agreement to certain conditions and requirements. These will be listed in a Letter of Offer provided to Aboriginal stakeholders who seek to be involved in fieldwork.

Aboriginal stakeholders who are interested in being represented in fieldwork by a Site Officer must indicate their interest to WSA. WSA will send an invitation and formally request Site Officer participation and indicate the dates available. Site Officers who have not been rostered but attend the site will not be able to access the WSA site. They will be informed of this on the day and will not be entitled to any travel reimbursement.

To maintain Aboriginal stakeholder independence, and compliance with insurance cover, payments for Site Officer fieldwork will only be made to an Aboriginal stakeholder organisation, company or other body which is the employer of the Site Officer field participant. However, in cases where there is no such body, participation through an employment agency may be possible.

The conditions of Site Officer fieldwork participation will include:

- the scope of work and expected work tasks;

- the Site Officer field participant being nominated as a field representative by an Aboriginal stakeholder based on receipt of a formal Letter of Offer from WSA and the availability of a rostered placing;

- the provision by Aboriginal stakeholders of suitably qualified and/or experienced representative Site Officer participants to undertake field investigations;

- participants complying at all times with all Western Sydney Airport Site Protocols and any Health, Safety and Environment or other administrative or logistical requirements of the fieldwork as advised by the Environment Manager or the WSA Site Manager;

  Persons unable to adhere to the Safe Work Method Statement (or equivalent document) requirements as specified in the safety briefing will be asked to leave the site.

- participants supplying their own required personal field equipment (such as a back pack and water bottle, and personal protection equipment (PPE) in satisfactory condition (PPE includes hard hat, wide brimmed sun hat or helmet visor, high visibility clothing, steel capped lace -up boots, gum boots for wet sieving, leg gaiters during survey, etc.)

  Provision and appropriate use of the required Personal Protection Equipment (PPE) is the responsibility of each individual. Persons without appropriate PPE, including PPE in unsatisfactory condition or not meeting the requirements of the Safe Work Method Statement, will not be able to participate in fieldwork.

- the provision by stakeholders of current Business names and Australian Business Numbers (ABN);

- the provisions by stakeholders of proof of current public liability insurance (minimum level of $10,000,000) and current Workers Compensation Insurance

- participants meeting obligations to sign attendance registers and to attend Site Protocol briefings and Work Health and Safety briefings and sign on to Safe Work Method Statements (or equivalent)

- invoicing and payment conditions including Aboriginal stakeholders providing a properly rendered tax invoice to receive payment for Site Officer fieldwork participation and any associated travel payments.

Roles and Responsibilities

Aboriginal Stakeholders

Aboriginal stakeholders who express an interest in and are approved to participate in field work are responsible for:

- nominating the names and required details of proposed Site Officers (and trainees where applicable) to represent the Aboriginal stakeholder in rostered fieldwork programs

- providing suitably qualified and/or experienced Site Officer representatives to undertake field investigations

- providing the Aboriginal stakeholder's full Business name and an Australian Business Number (ABN) if held. Please note that under Australian Tax Office regulations, 50% of payments must be withheld if no valid ABN can be provided and

- providing copies of Certificates of Currency for the following:

  o Public Liability Insurance (minimum level $10,000,000) and

  o Workers Compensation Insurance.

Site Officers

Stakeholder fieldwork representatives (Site Officers) who are invited to undertake fieldwork will be expected to complete the following site-based tasks:

- undertake field surveys, inspections, salvage collection, archaeological excavation and the processing of excavated material as directed by the Aboriginal heritage assessment consultant and as specified in the approved Survey and Salvage Plan

- complete an attendance register each day and ensure the attendance register is authorised by the Aboriginal heritage assessment consultant representative

- attend a Health Safety and Environment (HSE) briefing and sign onto the Safe Work Method Statement (or equivalent document) for each day of fieldwork. The safety of all participants is a primary consideration for the project

  The absence of a signature will result in any payment including transport costs being refused for that day.

- comply with all health, safety and environmental or other administrative or logistical requirements of the fieldwork advised by the Aboriginal heritage assessment consultant

- if Site Officers intend to use their own vehicles during survey and salvage to access WSA sites, the vehicle must be registered, and the driver must hold a current driver's licence

  Some Site Officers may prefer to use their own vehicles during travel to and from WSA sites but transport will be provided by the Aboriginal heritage assessment consultant in any case.

- communicate with other members of their stakeholder organisation or group regarding their experience and understanding of the fieldwork program and WSA survey and salvage sites

- provide heritage and cultural advice during the investigations as considered appropriate

- participate in a manner which will ensure the health and safety of themselves and others

- act reasonably with honesty and in good faith and

- refrain from any conduct that may cause a reasonable person unwarranted offence or embarrassment.

Trainees

There will be an allowance for one trainee position to be included in each field team. This position will be allocated by the Aboriginal heritage assessment consultant on a daily basis according to a roster and shared across those Aboriginal stakeholders which have previously applied for, nominated, and had approved, suitable trainee personnel.

Each trainee is the responsibility of, and must be accompanied by, an approved Site Officer from the nominating Aboriginal stakeholder, who has an otherwise rostered position on that team.

All trainees must be covered by Workers Compensation and Public Liability Insurance. It is the responsibility of the nominating Aboriginal stakeholder to obtain this cover and to show proof of currency to the Aboriginal heritage assessment consultant.

Trainees must comply with all conditions and requirements of fieldwork engagement as outlined in this Attachment. Responsibility for the provision of training rests with the accompanying Site Officer. Any fees or costs related to the attendance of the trainee is the responsibility of the nominating Aboriginal stakeholder and is not payable by WSA.

Trainees who are invited to accompany a Site Officer during a fieldwork program will be expected to complete the following tasks and fulfil the following responsibilities:

- participate in field surveys, inspections, salvage collection, archaeological excavation and the processing of excavated material as directed by the Aboriginal heritage assessment consultant and as guided by their accompanying Site Officer;

- comply with all fieldwork related directions provided by the Aboriginal heritage assessment consultant personnel and/or their accompanying Site Officer;

- complete a daily attendance register each day when at the site. The daily attendance register must be authorised by a the Aboriginal heritage assessment consultant representative;

- attend a Health Safety and Environment (HSE) briefing and sign onto the Safe Work Method Statement (or equivalent document) for each day of fieldwork.

  The safety of all participants is a primary consideration for the project;

- comply with all health, safety and environmental or other administrative or logistical requirements of the fieldwork advised by the Aboriginal heritage assessment consultant

- trainees are not authorised to drive or use their own vehicles on the Western Sydney Airport site or during work hours

- participate in a manner which will ensure the health and safety of themselves and others

- act reasonably with honesty and in good faith; and

- refrain from any conduct that may cause a reasonable person unwarranted offence or embarrassment.

![Western Sydney Airport logo]

D Issues

A knowledge of the contemporary views and issues within the Aboriginal community regarding identity, and the community's interrelation with development proponents, and statutory agencies is crucial for building an effective framework for consultation and engagement.

Pre-empting and proactively managing community and stakeholder issues is integral to the overall success of the program. Individuals, groups and institutions will hold different values, expectations and beliefs about best practice and the communication and management of cultural values.

The following is a summary of some key issues relevant to communication and engagement with the Aboriginal community.

D.1 Identification of Aboriginal stakeholders

It is a widely acknowledged principle of consultation with Aboriginal communities that consultation can only be relevant and effective when it is conducted with the right people, those with an acknowledged and appropriate connection and authority in relation to the country in question. The basis on which connection and authority is acknowledged may be multi-facetted and vary according to traditional and contemporary values. Some of the important factors include:

- ancestral and tribal descent

- traditional knowledge, lore and custom

- family and kin connections

- birth place

- residential history

- age, and

- social networks.

An additional consideration in the Sydney region is its history of European invasion, dispossession, enforced movement, social and institutional separation, and Indigenous immigration from other areas of Australia. This history has created a legacy in which the application of traditional values and the right to speak for country can be fluid, subject to multiple points of view, and is constantly being adapted and mediated by contemporary forces.

There is currently no single consensus within the Aboriginal Community on how to identify and recognise an Aboriginal stakeholder's right to speak for Country within the Sydney region. State and National guidelines emphasis the need for development proponents to adopt an open and inclusive process of consultation and to cast a wide net when seeking and inviting stakeholder participation. It is also widely recognised that issues involving Aboriginal identity and the right to speak for country are matters for the Aboriginal community to resolve and should not be defined or regulated by non-Aboriginal people.

The current spectrum of Aboriginal stakeholders who declare an interest in the identification and management of Aboriginal cultural heritage within the Sydney region can be characterised within groupings:

- Local Aboriginal Land Councils

- Native Title claimants;

- Traditional Owner groups

- Aboriginal people who live in Western Sydney with contemporary interest in cultural heritage

Other cultural institutions and organisations Refer to Section 8 for a description of these groupings.

D.2 The role of fieldwork in the consultation process

Aboriginal stakeholders have consistently acknowledged the importance of gaining direct field and onsite experience when assessing cultural values and impact management proposals. The act of being there and interacting with a place are considered essential to gaining an appreciation and understanding of cultural values and applicable traditional lore and custom.

This principle is also applied to engagement within archaeological fieldwork teams. The opportunity to contribute to the physical investigation of sites and the recovery of their contents is not only considered to be a cultural responsibility or obligation, but also an essential part of consultation with development proponents [4].

The right to work on Country is intimately related to a right to speak for country and in this context how engagement in fieldwork is shared and distributed across Aboriginal stakeholders becomes a significant matter for discussion, debate and mediation.

Within NSW, the Office of Environment and Heritage does not recognise the engagement of Aboriginal stakeholder representatives in archaeological fieldwork as a component of consultation [5]. This separation of cultural assessment from technical services has meant that there is no established process for the distribution of fieldwork amongst Aboriginal stakeholders, when its role in consultation is acknowledged.

There is currently no single consensus within the Aboriginal Community on how Aboriginal stakeholder engagement in fieldwork should be shared or distributed.

D.3 Facilitation and communication

The differing origins, constitution, and resources of the Aboriginal stakeholders who have expressed an interest in the consultation program pose several challenges in realising effective communication and the facilitation of engagement.

The means of regular communication can include, or be restricted to email, postal, phone or facsimile services. The means must be measured by stakeholder preference and capability.

The format and mode of communication may be dictated by the nature of a document, or limited by the medium of delivery, such as oral and visual presentations. Opportunities for, and the mode of communication and feedback should be spread across several mediums and delivery formats.

Multiple and complimentary modes of presentation, discussion and interpretation may be necessary for the effective communication of content, across differing capabilities.

D.4 Staged implementation and on-going program development

The planning, preparation and construction of the WSA project involves a staged program with many interrelated and interdependent sequential components. This poses many challenges for the communication and engagement of Aboriginal stakeholders. These include:

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[4] • Ask First: A guide to respecting Indigenous heritage places and values (Australian Heritage Commission 2002)

[5] NSW Dept of Environment, Climate Change and Water 2010, *Aboriginal cultural heritage consultation requirements for proponents 2010. Part 6 National Parks and Wildlife Act 1974.* p. 9.

- ensuring that the broader planning and sequential context of a consultation component is understood

- ensuring a logical and sequential progression of actions, and the consideration of prerequisites

- allowing an iterative process of review and development whereby initial results and findings can inform future structures and management

- providing for continuity across changes in practitioners, responsibility and jurisdiction and

- supporting forms of engagement which are appropriate to the stage of the development and its issues.

D.6 Curation and repatriation

The long-term management of Aboriginal cultural material recovered from the site is an issue about which there is, as yet, no single consensus within the Aboriginal community.

The initial management of this material is outlined in the Airport Plan as a consequence of archaeological description and analytical requirements. Temporary storage within laboratory contexts will be necessary for this recording and analysis. Following archaeological analysis, a short-term strategy for storage and other cultural and management actions is to be determined in consultation with Aboriginal stakeholders and relevant government agencies (EIS Table 28-13, p.39).

The long-term management of Aboriginal cultural material is to be the subject of a future consultative process.

Appendix C Survey and Salvage Plan addenda

Survey & Salvage Plan
Sydney Metro - Western Sydney Airport Site

Aboriginal Cultural Heritage Management Program

Navin Officer Heritage Consultants Pty Ltd   *January 2022*

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1. Introduction

In December 2016, the Airport Plan for Western Sydney International (Nancy-Bird Walton) Airport (WSI Airport) was determined, pursuant to section 96(B) of the Airports Act 1996 by the Federal Minister for Urban Infrastructure. The Airport Plan sets the environmental and regulatory approvals for the development and incorporates variations in July 2020 and September 2021, the latter of which authorizes a rail development on the Airport site.

On 17 May 2018, an Airport Lease was granted by the Commonwealth to an airport lessee company (ALC), WSA Co Limited (WSA), and the ALC became responsible for the Airport Site and construction of the Airport. The ALC commenced Main Construction Works on the Airport Site in September 2018.

The Sydney Metro (SM) project involves the creation of a new and upgraded rail system and network for greater Sydney. The SM network is to include construction of a rail line and station within the Airport site ('the Project'). Australian Government approval for work located within the WSI airport boundary was received in September 2021 with the approval of the variation to the Airport Plan. A condition of working on the airport site is the production and approval of a series of Construction Environmental Management Plans (CEMP) prior to the commencement of construction. This Survey and Salvage Plan forms part of the SM WSI Airport Aboriginal Cultural Heritage CEMP (SM WSA ACHCEMP), which is one of nine CEMPs for the Project which will be consistent with the WSI airport CEMPs and address all on-airport environmental components of the Project.

This Survey and Salvage Plan ('the Plan') specifies the aims, scope, methodology, programing and conduct of the following Aboriginal cultural heritage archaeological survey and salvage actions:

- Targeted archaeological survey for surface archaeological evidence within areas not yet subject to archaeological survey (and which have not been subject to major disturbance);

- Collection (salvage) of previously recorded surface artefacts, (where still evident);

- Targeted archaeological survey for, and inspection of surface sandstone outcrops, within areas not yet subject to archaeological survey;

- Recovery (salvage) of any sandstone surfaces with Aboriginal markings;

- Targeted archaeological (sub-surface) salvage excavation of a representative sample of site types and areas with assessed relatively higher archaeological value based on current archaeological predictive modelling (NOHC 2019a, Sec.5; and 2019c, Sec. 4.2); and

- Management of topsoil recovered according to the provisions of the plan for the management of topsoil assessed as likely to contain a relatively high density of Aboriginal artefacts (refer Appendix A of the SM WSA ACHCEMP).

This Plan is specific to the construction footprint and key construction sites of the Project, exclusive of the WSI Airport Stage One Construction Impact Zone (CIZ) (**Figure 1** and **Figure 2**). The management of construction impacts to Aboriginal cultural heritage within the Stage One CIZ are the subject of a separate Plan (WSA 2019b). All required actions relating to Aboriginal cultural heritage within the Stage One CIZ portions of the Project construction footprint have been completed excepting any conduct of the unexpected finds protocol, if and as triggered (SEMF Appendix 1).

1 km
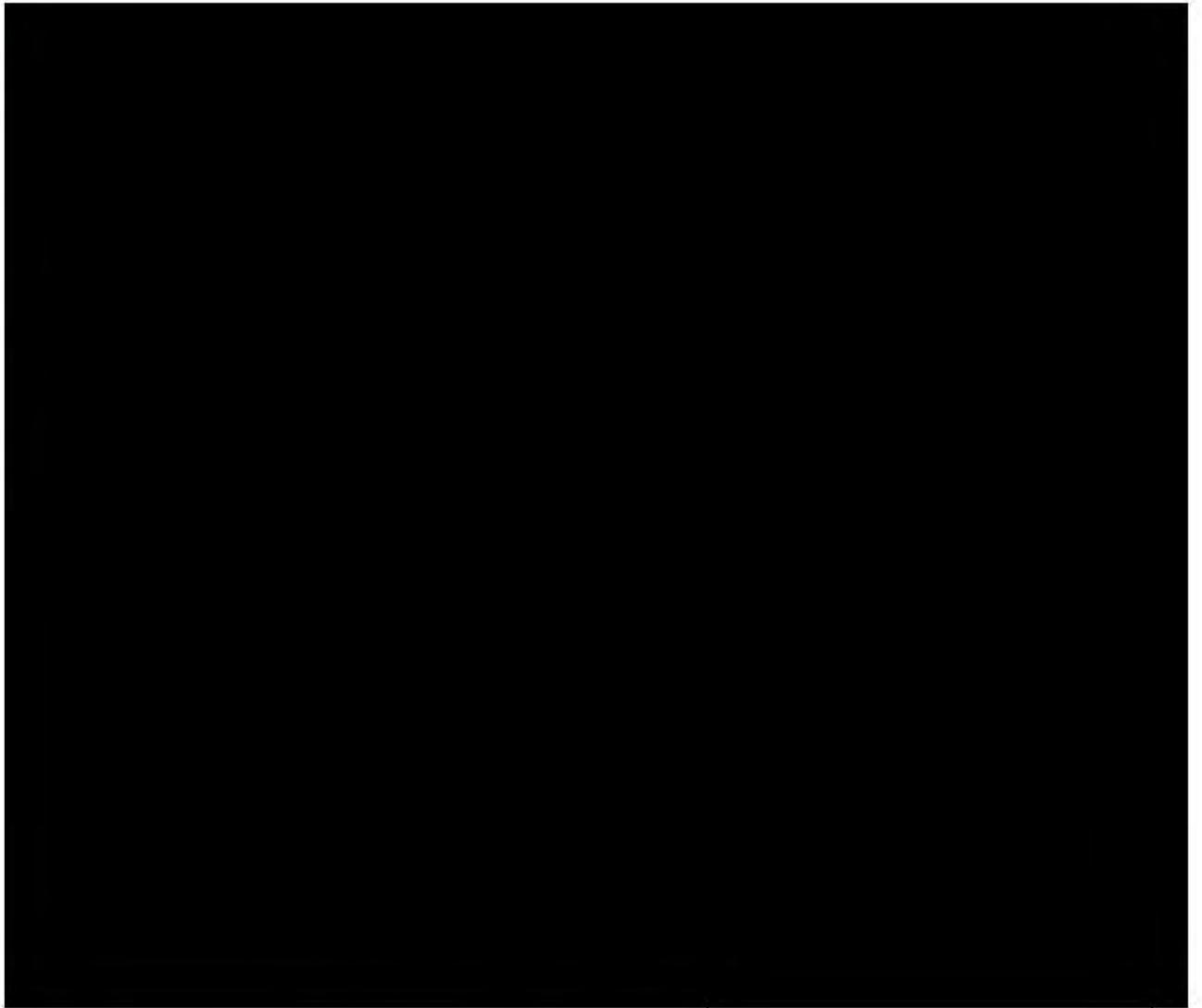
Figure 1 *The Project construction footprint and key construction sites (coloured block areas, refer Key). The areas bounded in blue occur outside of the WSI Stage 1 construction Impact Zone and are the subject of this Survey and Salvage Plan. (Base image: supplied by Sydney Metro Dec 2021).*
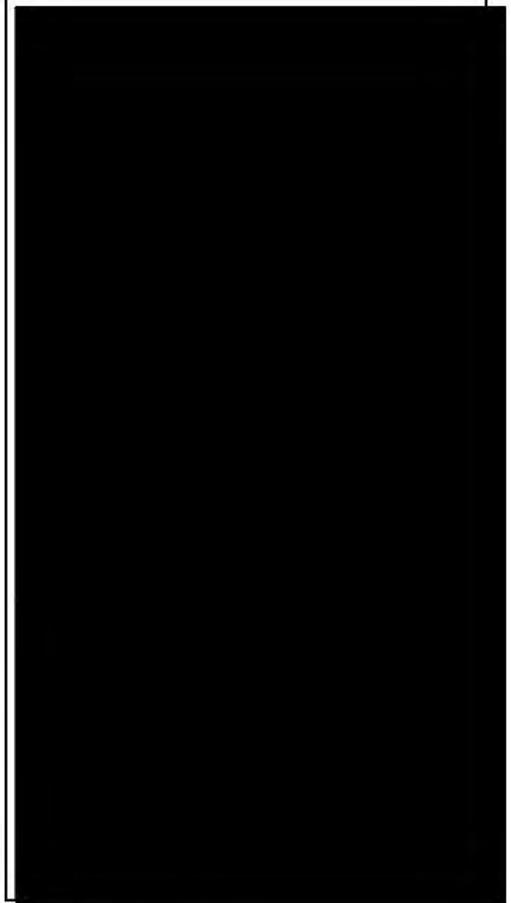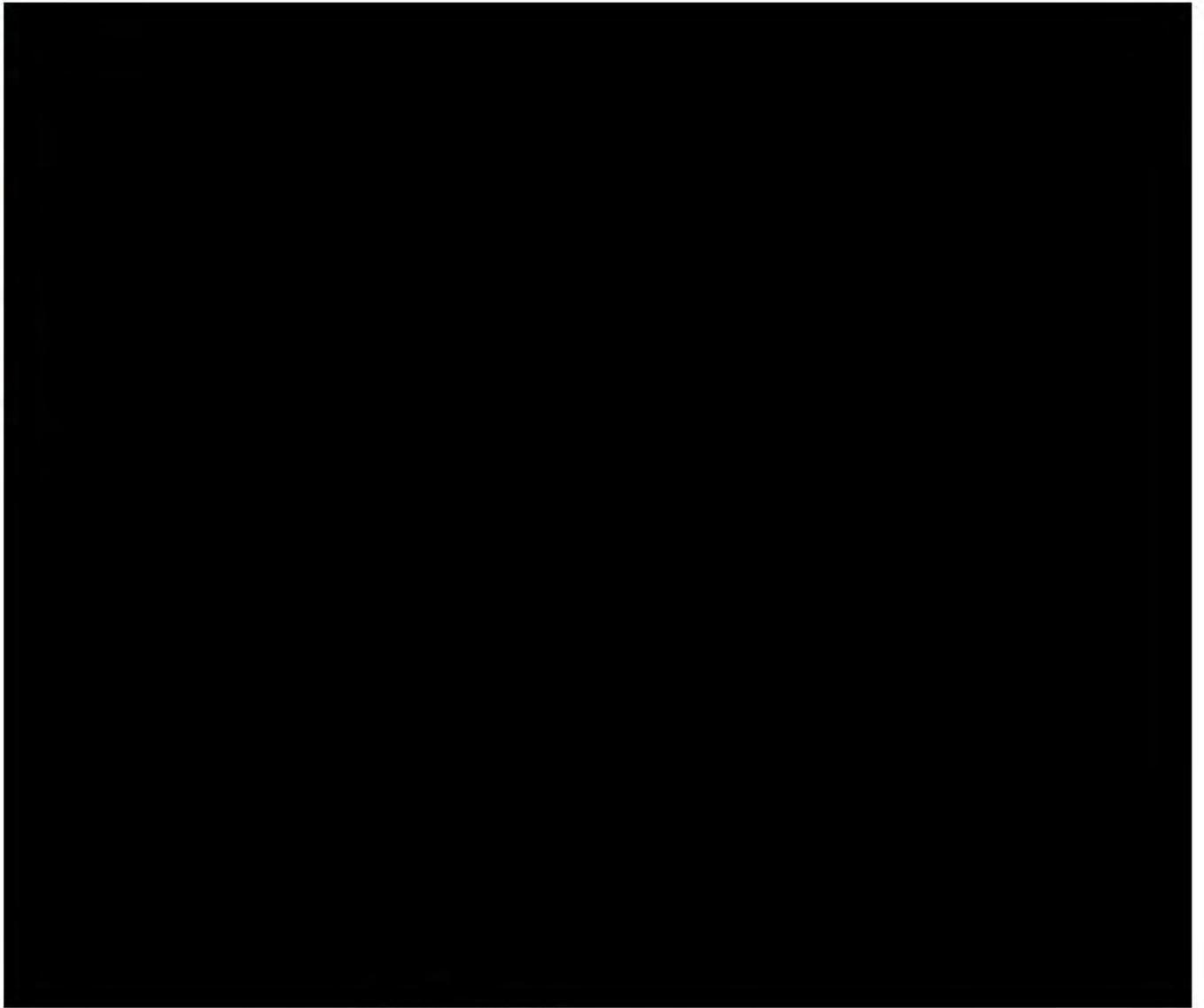
**Figure 2** *Location of Aboriginal cultural heritage sites relative to those portions of the Project areas exclusive of the Stage 1 CIZ (blue bounded areas).*

2. Aboriginal Stakeholder Consultation

Sydney Metro recognises that Aboriginal people:

- are the primary source of information on the value of their heritage and how this is best conserved;

- must have an active role in any Aboriginal heritage planning process;

- must have input into primary decision making in relation to Aboriginal heritage so they can continue to fulfil their obligations towards this heritage; and

- must control intellectual property and other information relating specifically to their heritage, as this may be an integral aspect of its heritage value.[1]

An essential component of the Survey and Salvage Plan has been the provision of the opportunity for Aboriginal stakeholders to:

- comment on documentation prepared to support the management of Aboriginal cultural values; and
- participate in field actions involving the management of Aboriginal cultural heritage values.

A draft of the Survey and Salvage Plan was developed and provided to each registered WSI Airport Project Aboriginal stakeholder via email or post (13/12/2021), with an invitation to comment and nominate Site Officers for participation in field work by Dec 28th.

Responses were received from 53 of the 85 registered Aboriginal stakeholders. Forty nine expressed agreement with the draft Survey and Salvage Plan. A small number of responses included questions about field survey logistics and the availability of the SM WSA ACH CEMP. Nine responses expressed an interest in participating in the field work program but provided no comment on the draft Plan.

Changes made to the draft to form the final version of this Plan comprise:

- Incorporation of small changes to the boundaries of the areas subject to Archaeological survey and assessment. These involved the addition of areas identified by Sydney Metro as 'Not assessed or requires further assessment (refer legend in Figure 1).

- A more accurate calculation of the net areas subject to this assessment (approx. 150 hectares) and to archaeological survey (approx.. 50 hectares).

- Identifying the five previously recorded Aboriginal sites in or very near the subject areas (Section 6.2.1).

This Survey and Salvage Plan will be submitted as part of the SM WSA ACHCEMP to the Department of Infrastructure, Transport, Regional Development and Communications ('the Department').

The implementation of the Plan is expected to commence in early 2022.

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[1] After principles described in *Ask First, A guide to respecting Indigenous heritage places and values*, Australian Heritage Commission 2002, p. 6.

3. Aims

The aims of the actions specified in the Survey and Salvage Plan are:

- to effectively implement the conduct of archaeological surface survey and assessment, and archaeological salvage (surface collection and excavation), as required by the SM WSA ACHCEMP.

- to comply with the Aboriginal cultural heritage management requirements specified by the Airport Plan (Sept 2021), with respect to all actions and developments specified in Section 3.10 of the Airport Plan, and which occur outside of the Stage 1 Construction Impact Zone (**Figure 1**).

- to effectively support the participation and engagement of Aboriginal stakeholders in developing the program and implementing the required archaeological survey and salvage actions.

4. Scope

The actions specified in the Survey and Salvage Plan relate to those portions of the SM project area situated within WSI Airport site, and which are:

- subject to construction related activities and ground surface disturbance; and
- fall outside of the WSI Airport Stage 1 construction Zone.

These areas are indicated in (**Figure 1**).

5. Methodology

5.1 Targeted surface archaeological survey

5.1.1 Areas subject to surface survey

The net area subject to this Plan, (as specified in Section 5), comprise approximately 150 hectares. Around 60% of this area has previously been subject to archaeological surface survey. Consistent with Table 28-12 in Chapter 28 of the EIS (2018), these areas have been excluded from the conduct of further survey as specified in this Plan. The areas of previous archaeological survey, and the remaining un-surveyed areas are illustrated in **Figure 3**.
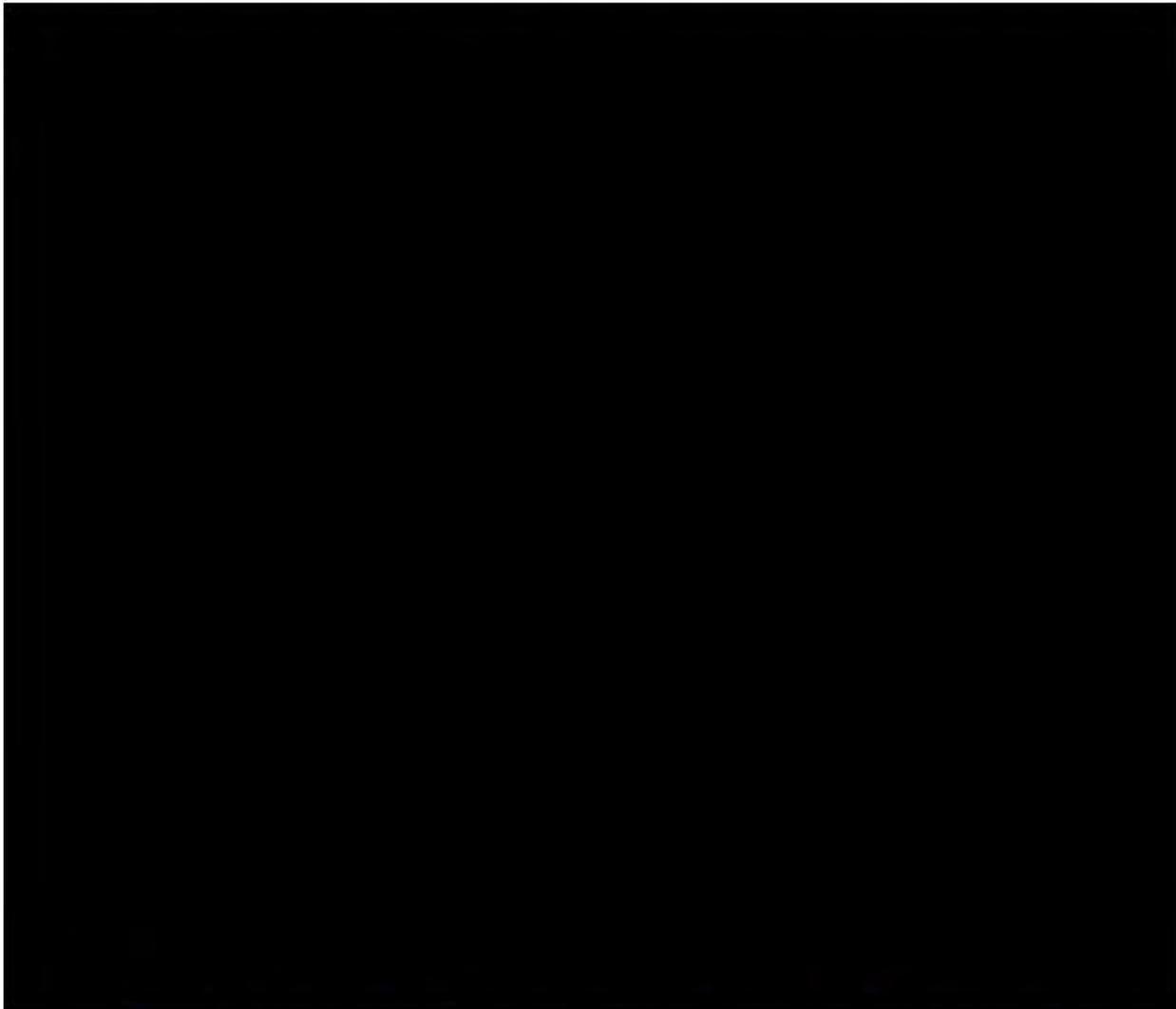
Figure 3 The SM project areas, excluding those portions within the WSA Stage 1 Construction Zone (white bordered areas), relative to Aboriginal site locations and approximate areas of previous surface archaeological survey.

Those areas within the white bordered areas and outside of blue or aqua coloured overlays are subject to surface archaeological survey as specified in this Plan.

5.1.2 Survey aims

Comprehensive archaeological survey will be undertaken within the specified survey areas. The aim of this survey will be to identify any Aboriginal archaeological sites and areas of potential archaeological deposit (PAD). This will include the inspection of all surface sandstone outcrops for evidence of Aboriginal use and modification, such as grinding grooves, carvings and other utilitarian marks.

5.1.3 Field equipment

The survey team will carry the required field recording equipment: such as compass, GPS, site forms, maps, camera and notebook; and required site and safety equipment such as personal protective equipment (such as hard hats (as necessary), high visibility clothing and sturdy boots), first aid kits, mobile phones and two-way radios, specific WSA site instructions and emergency contacts.

5.1.4 Conduct of archaeological survey

Archaeological survey will involve:

1. *Foot survey of the project area*

   The archaeological field survey will be completed on foot by at least two people walking systematic transects and/or selected traverses, spaced a regular distance apart such as between approximately 5-50 m apart.

   The exact nature and arrangement of the transects/traverses conducted will depend on an in-field assessment of visibility constraints and cultural and archaeological sensitivity.

   Survey will also include opportunistic inspection of any existing ground exposures in the study area.

   Where feasible, all old-growth native trees in the study area will be inspected for the presence of culturally derived scars.

2. *Field participation of representatives of registered Aboriginal Stakeholders*

   Suitably qualified representatives of registered Aboriginal stakeholders will be invited to participate in the field surveys according to a roster and conditions and provisions detailed in the Aboriginal Stakeholder Consultation and Engagement Plan presented as Appendix B of this SM WSA ACHCEMP.

   Aboriginal field participants will be invited to communicate any knowledge that they may have regarding the cultural heritage values of the study area, archaeological and cultural sites, and the overall landscape. This knowledge will be treated respectfully in a culturally appropriate manner, including whether it may or may not be recorded or used in other situations.

   The project team will conduct the cultural assessment program in a culturally sensitive manner and treat the information provided with respect and in confidence, where requested and required.

3. *Site recording*

   All surface archaeological sites, potential archaeological deposits and places of Aboriginal cultural value will be documented. All sites will have the following details recorded using standardised recording forms:

   - Site name, recorder and date;

   - Site type;

   - GPS coordinates;

   - Landscape and landform character;

   - Site dimensions;

   - Site condition and potential to be larger in spatial extent and/or content;

- Site content including numbers and artefact types, raw materials and detailed recording of a sample of artefacts.;

- Photos; and

- Any other relevant information, such as oral information and informant details.

5.1.5 Survey team

A survey team will comprise of the following positions:

- One primary archaeologist (NOHC);

- One assisting archaeologist (NOHC); and

- Four Aboriginal Site Officers.

5.1.6 Reporting

All survey results will be documented in a report which may also, where appropriate, incorporate the reporting of related salvage and other management actions. A copy of the report will be made available to interested Aboriginal stakeholders and may be made more widely available.

In order to facilitate the information and research objectives of the NSW Aboriginal Heritage Information Management System (AHIMS), NSW Office of Environment and Heritage site cards will be completed for all new Aboriginal site recordings and provided to the NSW Office of Environment and Heritage.

5.2 Salvage of loose surface artefacts

5.2.1 Sites subject to salvage of surface artefacts

Consistent with Table 28-12 in Chapter 28 of the EIS (2018), all Aboriginal sites within the scope of this Plan, which include the recorded presence of loose surface Aboriginal artefacts, will be the subject of a salvage program for the recovery of surface artefacts.

Loose surface artefacts are defined as discrete artefacts present and exposed on the ground surface, and which are not substantially enclosed by original soil deposit. This definition excludes artefacts such as grinding grooves or other extractive marks situated on boulders or surface exposures of bedrock.

The following sites containing surface artefacts have been previously recorded within the areas subject to this plan: B3, B103 and B136, all have been recorded with one surface artefact each. Two sites are located very close to the boundaries and may extend into the subject areas. These are B66 (with 16 surface artefacts), and B68 with a single surface artefact.

5.2.2 Aims of salvage

The aims of the surface artefact salvage program are:

- to recover and conserve Aboriginal cultural values; and

- to recover, where appropriate, artefacts (with associated locational information), with scientific, representative and archaeological values.

6.2.3 Survey and salvage may be conducted together

Where practical, the conduct of archaeological survey and the salvage of surface artefacts may be conducted as part of the same field program.

5.2.4 Conduct of surface salvage

The following methodology will be implemented for salvage collection of surface artefacts:

1. As necessary, re-visit and confirm the location of the recorded surface artefact occurrence;

2. The location of all artefacts or groups of artefacts will be marked using visible flags or equivalent markers;

3. Based on an in-field evaluation of the integrity of the observed artefact locations, (relative to their potential to yield archaeological information about to the Aboriginal use of the site), a decision will be made regarding the required scale of spatial recording across the site. Possible categories are:

Degree of spatial integrity	Scale of required spatial recording
Nil or little integrity Artefact locations relate only to patterns of erosion or land use disturbance	No requirement to record spatial distribution, except to note standard site identification
Artefacts are present in discrete exposures which may display some degree of integrity or relevant relationship to micro-topographic landforms	Artefacts will be collected in separately identified groups according to specific documented areas or exposures. A sketch map will document the location and relative arrangement of the collection areas/exposures.
Moderate or higher integrity The location of artefacts is likely to relate to their former sub-surface situation and relative context within the overall site; or their modern distribution may still relate to former subs-surface groupings (such as from a flaking floor or particular strata)	Artefacts will be collected in separately identified and documented groups or single incidence locations, where and as appropriate. A sketch or surveyed map will document the location and relative arrangement of the collection areas/exposures. A surface distribution with high assessed integrity may warrant the accurate spatial recording of individual artefacts via GPS, a grid, or two axis offset survey.

4. One or more digital photographs will be taken and logged, showing the general context of the artefact distribution. Photographs of the artefact distribution should be taken prior to the removal of marker flags.

5. Salvage personnel will collect all visible surface artefacts, according to the requirements of the spatial integrity assessment outlined in point 3 above.

6. A map will be drafted for the collected site. This may be a sketch map or a more accurate surveyed map (depending on the spatial integrity assessment outlined in point 3), and will show:

   o Local features, including vehicle tracks and north direction,

   o A graphic approximation of artefact densities,

   o Spot locations of individual artefacts where and as warranted,

- o The spatial extent of the surface distribution, and

- o The location of any separate collection areas.

7. GPS positions will be logged for all collection areas, including a site boundary where necessary.

8. All collected material will be appropriately bagged and labelled.

9. All collected material may be temporarily held by the consultants and described by a lithic specialist:

- o Basic technological traits may be recorded, and

- o Artefacts may be photographed using a digital camera.

5.2.5 Surface salvage team

A surface salvage team will comprise of the following:

- One primary archaeologist (NOHC);
- One assisting archaeologist (NOHC); and
- Four Aboriginal Site Officers.

5.2.6 Reporting

The results of the surface salvage program will be documented in a report which may also, where appropriate, incorporate the reporting of related survey and other management actions, such as salvage excavation. A copy of the report will be made available to interested Aboriginal stakeholders and may be made more widely available.

In order to facilitate the information and research objectives of the NSW Aboriginal Heritage Information Management System (AHIMS), NSW Office of Environment and Heritage site cards will be completed for all new Aboriginal site recordings and provided to the NSW Office of Environment and Heritage.

5.3 Salvage of artefacts forming part of the surface of bedrock

This section is about the salvage of artefacts such as grinding grooves or other Aboriginal extractive marks (such as carvings ('engravings') or other impact features), which form part of the surface of a large rock boulder of surface exposure of bedrock.

In the event that such artefacts are detected within the areas subject to this Plan and are situated within an area of planned construction impact, an appropriate form of conservation management will be drafted on a case by case basis, in consultation with the Aboriginal knowledge holders, stakeholders and approved by the Department.

In all cases, the preferred management action would be the active avoidance of any direct impact and *in situ* conservation of artefactual bedrock feature(s).

A minimum management requirement will be the creation of an archival quality recording involving the following sequence and methodology:

1. Accurately record the location of the artefact(s) and define as a 'no-go' area for vehicles and plant undertaking WSA site management, Preparatory Activities or construction activities.

2. Identify the area of the artefact by installing temporary fencing, inclusive of an appropriate buffer distance.

3. Conduct a detailed archaeological recording of the artefact(s) and its context. The type, scale and method of this recording will be determined according to the assessed significance, nature and characteristics of the artefact(s). Recording components may include scale drawing, digital photography; 3D laser recording integrated with visual light capture; photogrammetry and surface contour recording.

4. Prepare a report documenting the results of the archival recording.

In the event that it is determined that direct impact is unavoidable, and salvage of the artefact(s) is required, the following additional sequence and methodological steps will be followed:

5. Evaluate the requirements for the physical salvage of the artefact(s) including:

    a. the extent of the significant fabric and the required physical recovery;

    b. the method(s) to be used and the risks involved to dislodge or separate the required rock mass;

    c. any other material conservation requirements or precautions to address risks;

    d. The method of packing, supporting, protecting and transporting the recovered rock mass to a place of temporary and secure storage;

6. Prepare a plan to conduct the salvage, in consultation with Aboriginal stakeholders, and submit for approval by the Department.

7. Conduct salvage as defined by the approved salvage plan.

8. Prepare a report documenting the method and results of the salvage program.

It is recognised that the short-term and long term curation of salvaged material relating to these site types is a significant issue for Aboriginal stakeholders. It is acknowledged that retaining connection to country is a primary objective in long term management.

5.4 Archaeological salvage excavation

5.4.1 Objective and aims

The objective of the archaeological salvage program is to manage impacts to archaeological or scientific values by recovering and analysing a representative sample of surface and subsurface archaeological material from targeted areas subject to construction impact.

The program will aim to:

- Investigate the archaeological record in conjunction with Aboriginal stakeholders in order to address relevant research questions and cultural concerns;

- Recover archaeological material from landform types based on a systematic and representative sampling matrix for each targeted area;

- Recover additional archaeological material from areas with assessed relatively higher archaeological value, with the objective of providing a large enough artefact population for statistical analysis and from which robust results can be derived; and

- Apply archaeological excavation methodologies which are appropriate to the expected archaeological resource and the objectives of the salvage.

5.4.2 Selection of sites for salvage excavation

The Airport Plan specifies that the subsurface archaeological salvage program is to be targeted, selective and based on sampling of representative sites and locations. The combined area of the SM project areas outside of the WSI Airport Stage 1 Construction Impact Zone is approximately 150 hectares. This comprises about 8% of the total WSA site (1780 ha).

The selection of locations for the conduct of archaeological subsurface salvage excavation will be determined by an evaluation of the following factors:

- The views and preferences of Aboriginal stakeholders, including the consideration of Aboriginal cultural values;

- The location and representativeness of sites selected for, (and the results of) salvage archaeological excavations previously conducted in construction zones within the WSI Airport site.

- The degree and type of land use disturbance - preference will be given to locations with assessed lesser land use disturbance;

- Assessed archaeological sensitivity – preference may be given to locations with assessed relatively moderate or high archaeological sensitivity (refer **Figure 4**);

- Logistical and access constraints;

- The type, context and representativeness of the landform; and

- Existing relevant geotechnical data.
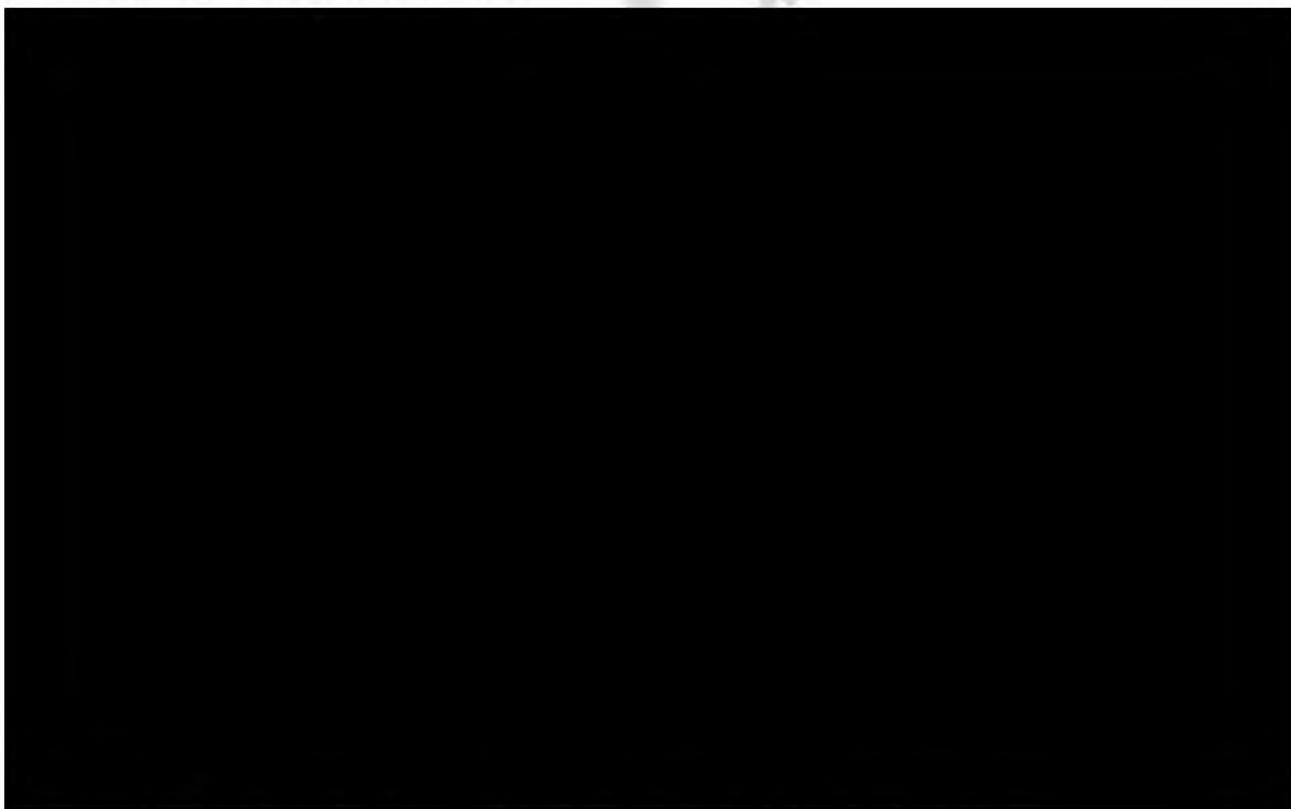

Figure 4 *The SM project areas, excluding those portions within the WSA Stage 1 Construction Zone (blue bordered areas), relative to assessed Aboriginal archaeological potential (base image: extract from Figure 6 NOHC 2019a).*

5.4.3 Conduct of salvage excavation

The conduct of the salvage excavation will be divided into four phases.

The purpose of phases 1 to 3 is to sample or 'test' the deposit and micro-topographic variation across the salvage location, within a consistent spatial arrangement and using a consistent sample unit. The results from these phases will inform where and if phase 4 excavations are conducted. Refer **Figure 5**.

Phase 1:

A series of 1.0 x 0.5m excavation pits will be placed along two cross transects (or axes) situated across the salvage site at 10 metre intervals.

The number of pits will depend on the dimensions of the salvage site.

Phase 2 (optional – results dependant):

In the event that no artefacts are identified during the first phase of testing, additional 1.0 x 0.5m excavation pits may be placed at intermediary 5 metre intervals along the existing transects.

Phase 3:

Depending on the size and shape of the salvage location, additional 1 x 0.5m excavation pits (at 5 or 10 metre intervals) may be placed on parallel (or non-conforming) transects to test the broader site/landform location.

Phase 4:

If artefacts are found during any of phases 1, 2 and 3, then additional pits may be excavated around excavation points with one or more of the following characteristics:

- A relatively high incidence of artefacts;

  This judgement will be made according to how high the incidence of artefacts within the excavated square is, relative to the density of artefacts within the site overall. Essentially this strategy will focus on opening up additional pits in the richest areas of the site, to maximise the amount of artefactual material salvaged.

- Rare artefacts;

  Artefacts that are rare (either within the Western Sydney region or more broadly) are encountered, and it is judged possible that additional similar artefacts are present in the surrounding area.

- Diverse range of artefacts/materials;

- Evidence of in situ knapping;

- *In situ* bone material relating to Aboriginal occupation;

- Evidence for deposits in an undisturbed condition[2];

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[2] The term *undisturbed condition* in this context is defined as: *Archaeological material evidence which can be reliably interpreted to be in a context, arrangement or position, which is substantially unchanged since the human behaviour that resulted in its current context, arrangement or position*

- Stratified deposits;

  Any level of artefact incidence within a stratigraphic or pedological context which warrant further investigation;

- An arrangement of stones (showing evidence of deliberate placement by a human agency) in a relatively undisturbed condition; or

- Other features indicative of substantial archaeological deposits.

The minimum phase 4 additional pit unit area will be 0.5 x 0.5m. Where appropriate, Phase 4 excavation pits may be up to 1.0 x 1.0m in size and may be progressively combined in multiples to form larger broad area excavations. Excavation pits may be combined in any one salvage location to explore the distribution artefacts across the site – e.g. excavation will attempt to follow higher artefact numbers.

A similar approach may also be used to check apparent "zeros" by excavating trenches out from an area devoid of artefacts to explore whether or not the phase 1-3 pits have "missed" a node of artefacts or other archaeological deposits within the salvage area.

If zero artefacts are found in a portion of the salvage excavation area, further testing in the form of a test trench, by joining a series of excavation pits, may be excavated to test the "zero" finding. Additionally, if a density of artefacts is discovered then this "node" may also be further tested. See Figure 6 for examples of this.

Excavation at each salvage location may follow a combination of all of the above phases, or it may only comprise Phases 1, 3 and 4. Additionally, if artefact numbers appear to be increasing towards the margins of the area being tested, transects will be extended in an attempt to identify site boundaries.

Following an on-site review, the test pit locations may be varied slightly in order to avoid the following:

- large stone cobbles or tors (with maximum linear dimensions greater than 300 mm);

- outcropping bedrock;

- highly disturbed or eroded ground; and/or

- substantial vegetation (with stem diameter of 100 mm or greater).

5.4.4 Hand excavation

All pits will be excavated by hand. An indicative excavation methodology would consist of the following:

1. *Mark out and record pit location(s).*

   The size of an individual testing point on a transect would be 1.00 x 0.50 metres (i.e. comprising two minimum excavation units side by side).

   Additional test excavation units may be added to create a test trench comprising up to 12 excavation units ($3m^2$) at any one testing point on a transect.

2. *Excavate pit.*

   Pits would be excavated using standard by-hand archaeological methodologies including vertical and horizontal recording of spit levels and sedimentary, cultural and stratigraphic features.

   Tools employed for excavation will include brushes, spades, trowels, mattocks, picks, shovels, buckets and pans. Where it is necessary to excavate highly compacted, hard or stony deposit, a hand-operated pneumatic drill/hammer may be deployed.

   Excavation will be conducted in separate spit intervals normally 100mm in depth but potentially 50mm or according to an excavator's interpretation of stratigraphic boundaries. The first excavation unit at each site may be excavated and documented in 5 cm spits. Depending upon the results of the first excavation unit, subsequent spit intervals would be at 10 cm, except in circumstances where the excavation of cultural features or stratigraphic units necessitates a smaller interval.

Excavation would cease in each pit according to an on-site appreciation of the vertical extent of the archaeological deposit.

3. Where cultural features are identified, such as heat treatment pits or hearths, detailed plans would be drawn and samples of dateable material (such as charcoal, bone, or shell) would be obtained.

4. Other samples may be obtained for the potential analysis of palaeo-environmental indicators such as pollen, phytoliths and microfauna.

5. Following cessation of excavation, the face of one or both sides of the pit may be cleaned and the stratigraphic, geomorphological and pedological characteristics of the soil profile described and checked with the separately documented incremental spit descriptions. Measurements of soil acidity and alkalinity (Ph) may be taken from representative pits at various vertical increments down the profile. The soil profile may be photographed, and where appropriate, also drawn and measured

6. All excavated archaeological deposit will be sieved, either dry or with the aid of water. All material will be sieved through 4 x 4 millimetre mesh, with use of a top larger mesh (10 x 10 mm) where appropriate. All identified or suspected cultural material recovered from sieving would be retained, bagged and labelled.

7. All pits will be backfilled as soon as practicable after completion of excavation, using excavation spoil and, as necessary other locally sourced materials.

5.4.5 Salvage excavation team

A salvage excavation team will comprise of the following positions:

- One primary archaeologist (NOHC);
- Three assisting archaeologists (NOHC); and
- Eight Aboriginal Site Officers;

5.4.6 Lithic analysis

All lithic items will be examined in detail by a lithic specialist[3], using a low-power binocular microscope and incident illumination and/or hand lens. Descriptive recording of collected material would be to a level concomitant with the stated salvage aims of the investigation, and the number of artefacts/type of material recovered.

The primary aim of the analysis of the lithic items retrieved from the salvage locations would be to provide an effective descriptive record of the assemblage and enable an analysis of its technological and artefactual characteristics and any past behaviours these may indicate.

Raw material type would be recorded for each stone artefact. Attributes for each artefact in the assemblage would be entered into a relational database and digital photographs may be taken of selected artefacts, where appropriate. Information for each specimen recorded in the analysis would be provided in an appendix in the final report.

Analysis will be consistent (where applicable) with standards and guidelines defined by the Heritage NSW.

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[3] Such as Dr Tessa Bryant (NOHC) or another suitably qualified lithic specialist, depending on availability.

5.4.7 Protocol to be followed if human remains are encountered

In the event that human remains are encountered during any of the archaeological salvage excavations, the protocol provided in Section 8.4 of the SM WSA ACHCEMP will be followed.

5.4.8 Environmental safeguards

All proposed salvage locations will be checked to ensure that: they do not include known areas of contamination or are associated with other site restrictions or constraints related to items of heritage, biological or ecological value.

Where water is used to aid sieving, all wastewater run-off will be subject to passage through constructed silt fencing. Wherever possible, the location of wet sieving will be selected with the aim of maximising the distance to a natural water course and directing runoff through ground vegetation to act as a silt filter.

All pits would be backfilled as soon as practicable after completion of test excavation using material that is excavated from the pits and, as necessary other locally sourced materials.

5.4.9 Reporting

The conduct of the salvage excavation and the analysis of the recovered material will be documented in a report which may also, where appropriate, incorporate the reporting of related survey and other management actions. A copy of the report will be made available to registered Aboriginal stakeholders and may be made more widely available.

5.5 Notification of new and revised Aboriginal site recordings

Notification of all new Aboriginal site recordings or revisions to the known spatial extent of sites will be provided to the WSA Site Manager, and where relevant, site cards will be provided to the Heritage NSW.

All relevant details and GPS locations will also be added to an electronic spatial dataset of all known Aboriginal sites on the WSA site.

Where appropriate spatial recording data will include a spatial buffer around known artefacts and cultural features.

6. Management of topsoil assessed as likely to contain a relatively high density of Aboriginal artefacts

The protocol for topsoil management assessed as likely to contain a relatively high density of Aboriginal artefacts, as presented in Appendix A of the SM WSA ACH CEMP will be followed where and as defined.

7. Care and management of salvaged materials

7.1 Short term care and management

All excavated material will be temporarily transported to and stored at the NOHC laboratory in Canberra for the purpose of sorting, cleaning, description and analysis. Following the completion of analysis. All excavated material will be transported to and stored at the temporary storage facility established on the WSA site.

Aboriginal stakeholders may determine, in certain circumstances or from certain contexts, that a specific salvaged item or group of items have particular care and management requirements. In such cases, appropriate requirements can be defined and followed after discussion with the appropriate knowledge holders. Examples may be that an artefact must not leave the airport site or should be managed only by a specific gender.

After examination and measurement, all recovered artefacts will be stored individually in standard resealable plastic bags or bagged in appropriate and identifiable units. The bags will be labelled using a permanent black pen with the item's unique identification number (where generated and appropriate), and/or details of its provenance within the excavation (as appropriate). These details will be recorded electronically for future access and use, as culturally appropriate.

7.2 Long term storage and curation

Long term management of artefacts recovered from salvage will be determined in consultation with stakeholders in accordance with the SM - WSA Aboriginal Stakeholder Consultation and Engagement Plan and the Community Communications Strategy.

8. References

Navin Officer Heritage Consultants 2016 Western Sydney Airport Aboriginal Cultural Assessment. Appendix M1 in *WSA EIS* Volume 4

Navin Officer Heritage Consultants 2019a *Inventory Known and Predicted Aboriginal Cultural Heritage Sites and Deposits Issue 2.1, Aboriginal Cultural Heritage Management Program, Western Sydney Airport*. Report to Dept of Infrasructure, Regional Development and Cities, Canberra.

Western Sydney Airport Co (WSA) 2019b *Western Sydney Airport Aboriginal Cultural Heritage Construction Environmental Management Plan*

Navin Officer Heritage Consultants 2019c *Western Sydney Airport Aboriginal Archaeological Survey and Salvage Programs January – April and August 2018*, Report to Dept of Infrastructure, Regional Development and Cities, Canberra.

Appendix D Oral History Plan

Appendix D

Oral History Plan

Aboriginal stories and memories of Western Sydney

Oral History Plan

Aboriginal Cultural Heritage CEMP sub-plan
Western Sydney Airport

November 2019

Development of the Oral History Plan, Topsoil Protocol and the Aboriginal Stakeholder Consultation and Engagement Plan was undertaken with specialist input by Navin Officer Heritage Consultants (NOHC).

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Document status

Status	Variation number	Date
WSA Co	3	31/07/18
WSA Co	4	05/09/18
WSA Co	5	19/9/18
WSA Co	6	21/09/18
Approved	0	24/09/18
Updated to include new logo	0.1	23/11/18
Minor administrative changes	0.2	15/11/19

Western Sydney Airport

Definitions

Table 1 Table of definitions and abbreviations used

Words or abbreviations	Definition
Aboriginal stakeholders and Aboriginal community	Aboriginal stakeholders and Aboriginal community referred to in this document includes Aboriginal people who identify with the Darug linguistic group and the Cumberland Plain and other Aboriginal people who may have a cultural association with the Cumberland Plain. Aboriginal stakeholders and Aboriginal community also recognises that Aboriginal people and Torres Strait Islanders who live in Western Sydney may have a contemporary interest in cultural aspects of Western Sydney.
Aboriginal Cultural Heritage CEMP	Aboriginal Cultural Heritage Construction Environmental Management Plan as required by the Western Sydney Airport Airport Plan December 2016.
AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies.
Airport Plan 2016	The instrument under the Airports Act 1996 (Cth), authorised by the Federal Infrastructure Minister in December 2016, which sets out the environmental and regulatory approvals for the development of the Stage 1 of the Western Sydney Airport.
ASCEP	Aboriginal Stakeholder Consultation and Engagement Plan which is a required component of the Aboriginal Cultural Heritage Construction Environmental Management Plan under Airport Plan Condition 11.
ASF	Aboriginal Stakeholder Forum. Forums regularly hosted by the Infrastructure Department between October 2017 and August 2018 to facilitate Aboriginal stakeholder consultation relating to Western Sydney Airport Stage 1 development.
CEMP	A Construction Environmental Management Plan required under a condition in section 3.10.2 of the Airport Plan 2016.
Construction Plan	A Construction Plan required under Condition 1 in section 3.10.2 of the Airport Plan 2016.
Curation	The actions required to store, organise, display and manage documentary information, or a collection of cultural material. This may include the conduct of differing actions for different sub-groups of cultural material, according to the requirements specified by Traditional Owners and custodians. Potential actions may include public display, and storage in archival conditions.
EIS	The Environmental Impact Statement prepared in relation to the Western Sydney Airport under the *Environment Protection Biodiversity Conservation Act 1999 (Cth)*.
ICIP	Indigenous Cultural Intellectual Property.
Indigenous	Indigenous is used in this document to describe people who are of Aboriginal or Torres Strait Islander descent and used where information has been

Words or abbreviations	Definition
	referenced from another document or publication. See also Aboriginal stakeholders and Aboriginal community, above.
Infrastructure Department	The Commonwealth Department of Infrastructure, Regional Development and Cities.
Interviewee	The person being interviewed and providing spoken-word or other related information and narration to an interviewer.
Interviewer	The person who is interviewing and recording the spoken-word or other related information and narration provided by an interviewee.
Keeping Place	A 'Keeping Place' is a term generally used to describe an Aboriginal community managed space for the safekeeping of repatriated cultural material. The Airport Plan Condition 11 (4) describes a potential 'Keeping Place' in relation to Western Sydney Airport as 'an Aboriginal cultural heritage 'keeping place' that would provide secure, above ground storage of artefacts and enable future access for cultural purposes, interpretation, education or research'. Recognising that Aboriginal people will be the primary stakeholder, the purpose, form, operating model and other aspects will necessarily reflect the aspirations and decisions of the associated Aboriginal communities'.
OEH	NSW Office of Environment and Heritage, an agency within the NSW Department of Planning and Environment.
Oral history	Oral history is a field of study and a method of gathering, preserving and interpreting the voices and memories of people, communities, and participants in past events[1].
Project	The term is used in its general meaning and in specific contexts including to describe the development and implementation of the Oral History Plan.
Traditional Owners	Individuals or groups that have rights and responsibilities to an area and who have demonstrated direct descent and ongoing connection to that area.
UNESCO	The United Nations Educational, Scientific and Cultural Organisation.
WSA	Western Sydney Airport.
WSA	WSA Co Limited, a Commonwealth Company, prescribed as a Government Business Enterprise, established to develop and operate the Western Sydney Airport and who was granted the Airport Lease on 17 May 2018.
WSA Stage 1	Western Sydney Airport Stage 1 – The development of the Western Sydney Airport determined in the Airport Plan December 2016.

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[1] Oral History Association (USA) website, accessed 8 April 2018, http://www.oralhistory.org/about/do-oral-history/

1 Introduction

In December 2016, the Federal Infrastructure Minister determined the Airport Plan, which sets the environmental and regulatory approvals for the development of Stage 1 of the Western Sydney Airport (WSA Stage 1). The Airport Plan contains over 40 mandatory conditions to be met while developing or later operating the airport.

In May 2017, the Australian Government announced that it would establish a company to develop and operate the airport and, in August 2017, established WSA Co.

WSA was granted the airport lease on 17 May 2018 and, as the Airport Lessee Company, is responsible for all WSA site matters.

An Oral History Plan is a component that must be included in the Aboriginal Cultural Heritage Construction Environmental Management Plan (CEMP) in order for the CEMP to meet Airport Plan Condition 11.

This Oral History Plan has been developed in consultation with Aboriginal stakeholders who have expressed an interest in the Aboriginal cultural heritage management program of the Western Sydney Airport development (WSA Stage 1). Comments on a draft plan were sought and have been considered and addressed in the Aboriginal Cultural Heritage CEMP developed by WSA.

The Aboriginal Cultural Heritage CEMP developed by WSA was submitted to an Approver in the Infrastructure Department for consideration and was approved. Approval of the Aboriginal Cultural Heritage CEMP must occur before WSA commences Main Construction Works for WSA Stage 1. The Construction Plan sets out the first phase of Main Construction Works which is expected to commence in late September 2018.

2 Purpose

The Oral History Plan is a component of the Aboriginal Cultural heritage CEMP required to meet Airport Plan Condition 11, specifically:

'An oral history will be recorded with the aim of preserving memories and stories from Aboriginal people relating to the airport site and its district. It is intended that this record would serve as an archive and a resource for future interpretation of the Aboriginal heritage values of the site'[2].

The timing of this requirement covers both pre-construction and as required during construction phases of the airport project. On this basis, the Oral History Plan sets out the approach for implementing an 'initial' phase of an Aboriginal oral history project which will commence during the initial construction phase of the Western Sydney Airport. The implementation of this initial oral history would inform the subsequent oral histories undertaken during subsequent Main Construction Works phases of WSA Stage 1.

It is important to note that the oral histories may have the potential to provide useful information to airport planners, designers and architects in suggesting ideas for design and for opportunities to commemorate Aboriginal cultural heritage at the airport site and throughout the developed infrastructure. Through oral histories, historical, culturally focused stories and memories may be provided as well as more contemporary stories and memories about the Cumberland Plain and Aboriginal people and communities in Western Sydney.

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[2] (DIRD, Sep 2016, WSA EIS Table 28-13, p.37)

3 Scope

This plan sets out the principles, methods and approach for an oral history relating to WSA Stage 1.

The aim of the oral history initiative is to preserve individual memories and stories from Aboriginal people relating to the Cumberland Plain and the WSA site and its district. The oral histories will ideally come from a range of Aboriginal people. The eventual recorded memories are not intended to be a definitive history of the Cumberland Plain, but rather a record of individual stories.

This plan sets out an approach to invite oral histories during the initial phase of the WSA Stage 1 construction.

The scope will focus on seeking up to 15 interviewees drawn from the following:

- Aboriginal people with an acknowledged connection to Country (Cumberland Plain) surrounding the airport site and
- Recognised senior members of the Aboriginal community of Western Sydney.

Timing for implementing the Oral History Plan for subsequent oral histories would align with phases of the WSA Stage 1 development as set out in the Construction Plan (as varied). The oral history focus for each phase would be informed by the implementation of the Oral History Plan for the earlier oral histories. The subsequent phases will be drawn from:

- Aboriginal people with an acknowledged connection to Country (Cumberland Plain) surrounding the airport site that were not interviewed in the initial phase
- recognised senior members of the Aboriginal community of Western Sydney that were not interviewed in the initial phase and
- local well-known identities in the Aboriginal community who have contributed to the development of the Aboriginal community of Western Sydney.

This approach allows Aboriginal people to be involved as they become interested in the development of the Western Sydney Airport as different phases of construction progress. Each phase would aim to involve up to 15 interviewees.

This phased approach to the oral history supports a broad timeframe for seeking participation. This approach responds to the early attempts to seek people who may be interested, which indicated that this may take time. Seeking oral histories over a longer period and in phases allows for this and is likely to maximise the potential for a successful project. A 'one off' approach in a short timeframe is unlikely to be successful.

For the purposes of the oral history, the district of the airport site is C comprises those locations and places within the Cumberland Plain and other locations which are considered relevant by Aboriginal stakeholders for an appreciation of Aboriginal stories and memories relevant to, or associated with, the WSA site.

The plan sets out principles and methods for conducting the oral histories:

- for the identification and engagement of Aboriginal interviewees for recording oral history

- to ensure that intellectual property rights are managed ethically and appropriately

- to allow appropriate review by appropriate Aboriginal stakeholders to ensure that any published material is considered culturally appropriate for this purpose and

- to ensure that the curation of records is managed in a culturally appropriate way.

The plan also sets out processes for plan review and evaluation after each phase to inform subsequent phases for seeking oral histories.

4. Guiding principles

4.1 The role of Aboriginal people

This plan recognises that Aboriginal people:

- are the primary source of information on the value of their heritage and how this is best conserved

- must have an active role in any Aboriginal culture and heritage planning process

- must have input into primary decision making in relation to Aboriginal culture and heritage so they can continue to fulfil their obligations towards their heritage and

- must control intellectual property and other information relating specifically to their culture and heritage, as this may be an integral aspect of its cultural and heritage value.[3]

From these principles, several key issues are relevant to the conduct of the oral history under this plan including:

- the incorporation of appropriate levels of, oversight, review and direction by Aboriginal people who are Native Title holders, or if none, people recognised within the Aboriginal community of Western Sydney as either custodians or representatives who can speak for Country and/or on cultural issues and

- the copyright and moral, and intellectual property rights of interviewees are respected and managed appropriately, including that any transfer of rights to WSA or others relating to the use, publication and curation of recorded information provided by interviewees is clearly explained and legally agreed to by all parties.

The approach adopted in this Plan is an inclusive one. Ideally, one where the Aboriginal community involved adopt a consensus approach in recognising the appropriate people to be involved in the Oral History as interviewer and interviewees. WSA will work with Aboriginal stakeholders and the Aboriginal community to encourage this approach to implementing the Plan.

Benefits in participating in the Oral history include that other Aboriginal and non-Aboriginal people may want to know more about Aboriginal language, culture and contemporary experiences. This presents an important opportunity. The oral histories may also help with commemoration of Aboriginal cultural heritage at the airport.

4.2 Speaking for Country

The right and authority of an Aboriginal person to speak for Country may be of importance regarding the content and intent of an interviewee's narration. Who can talk about culture and lore are matters that are open to interpretation and certain recognised knowledge holders in the Aboriginal community would need to be referred to for information and advice.

This plan recognises that the WSA site is situated within the Cumberland Plain and that based on historical records, Darug linguistic groups were associated with this area. Some Aboriginal people

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[3] After principles described in *Ask First, A guide to respecting Indigenous heritage places and values*, Australian Heritage Commission 2002, p. 6.

identify the airport site as Country and others claim connection with this Country. In this context, matters relating to traditional custom and lore are matters for appropriate and accepted representatives of the Aboriginal communities to determine. Local Aboriginal Land Councils may provide an initial point of contact to help find acknowledged custodians/knowledge holders and other acknowledged people to be contacted on cultural matters.

A key principle under this Plan is that all Aboriginal people who wish to share stories and memories relevant to the airport site and its district may express their interest to be invited as an interviewee.

A further key principle is that before any publication of content provided by an interviewee that may relate to Traditional Knowledge, custom or lore, then that content will be subject to approval by appropriate and accepted representatives of the Aboriginal community.

In the broader NSW context, the Office of Environment and Heritage publication *How the Aboriginal heritage system works* explains that:

> 'Aboriginal people with historic ties to the area, but whose traditional Country is elsewhere, may [also] have important knowledge about historic heritage places and that they should be involved in consultation for other reasons' (p.10).

> 'Traditional Owners' or 'custodians' with appropriate cultural heritage knowledge to inform decision making are those people who:

> - continue to maintain a deep respect for their ancestral belief system, traditional lore and custom

> - recognise their responsibilities and obligations to protect and conserve their culture and heritage and care for their traditional lands or Country

> - have the trust of their community, knowledge and understanding of their culture, and permission to speak about it' (p.8).

4.3 Rights, respect and recognition

The Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) have developed guidelines for the ethical research in Australian Indigenous studies. Under the category of Rights, Respect and Recognition, the following principle and supporting text (one of five), is of particular relevance to oral history research and is reproduced here from the AIATSIS website[4].

Principle 3: the rights of Indigenous peoples to their intangible heritage must be recognised.

Research projects should be conducted in accordance with the principle of Indigenous peoples' rights to maintain, control, protect and develop their intangible heritage, including their cultural heritage, traditional knowledge, traditional cultural expressions and intellectual property.

Applying the principle: Understand intangible heritage in terms of Indigenous peoples' definitions and perspectives.

Article 31 of the Declaration on the Rights of Indigenous Peoples states:
Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts.

Understand the relevant laws and policies for the protection and maintenance of Indigenous intangible heritage, and international standards such as The Protection of Traditional Cultural Expressions/Expressions of Folklore: Revised objectives and principles and The Protection of Traditional Knowledge: Revised objectives and principles, as well as the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage.

4.4 Principles for the conduct of oral history

Several professional organisations have developed principles and best practice guidelines for the ethical and best practice conduct of oral history programs.

The following principles have been compiled from information provided by Oral History Australia, Oral History New South Wales, and the Oral History Association (USA). These source documents are reproduced as Attachments A, B and C of this plan to guide the implementation of the Oral History Plan. The principles have been applied to develop relevant sections in the Oral History Plan.

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[4] https://aiatsis.gov.au/research/ethical-research/guidelines-ethical-research-australian-indigenous-studies/rights-respect-and-recognition, Accessed 11 April 2018, content last reviewed 18 Aril 2016.

Principles for the conduct of oral history

Provision of information and informed consent

- Interviewers inform interviewees of the nature and purpose of an oral history project and of their interview specifically.

- Interviewers ensure that interviewees voluntarily give their consent to be interviewed and can withdraw from the interview or refuse to answer a question at any time.

Interview conduct

- Oral historians respect the interviewees as well as the integrity of the research.

- All interviews are conducted in accord with the stated aims and within the parameters of the consent.

- Because of the importance of context and identity in oral history, it is normal practice for interviewees to be identified by name. Anonymity may be arranged under certain circumstances.

- Oral historians strive for intellectual honesty and the best application of the skills of their discipline, while avoiding stereotypes, misrepresentations, or manipulations of the interviewee's words.

- Interviewers respect the interviewee's authority, and honour their right to respond to questions in their own style and language.

Copyrights and other rights

- Interviewers must ensure that interviewees understand the extent of their rights to the interview and the request that those rights be yielded to a repository or other party, as well as their right to put restrictions on the use of the material.

- Interviewees hold the copyright to their interviews until and unless they transfer those rights to an individual or institution.

- Interviewers should secure a release form, by which the interviewee transfers his or her rights to the interview to the repository or designated body, signed after each recording session or at the end of the last interview with the interviewee.

- Oral historians treat every interview as a confidential conversation until an interviewee gives the right to share information through an agreement.

- Interviewers must be aware of defamation laws and the implications, for all parties concerned, of recording potentially defamatory material.

Record review, curation and publication

- All interviewees are given the opportunity to review, correct and/or withdraw material.

- Oral history interviews are historical documents that should be preserved and made accessible to future researchers and members of the public, subject to agreed conditions. Interviewers should document their preparation and methods, including the circumstances of the interviews and provide that information to whatever repository will be preserving and providing access to the interview.

- The plan for preservation and access, including any dissemination and publication, should be stated in the informed consent process and on release forms.

- Institutions charged with the preservation and access of oral history interviews should honour the stipulations of prior agreements made with the interviewers or sponsoring institutions including restrictions on access and methods of distribution.

5. Development of this Plan

The Oral History Plan is a component (sub-plan) of the Aboriginal Cultural Heritage CEMP.

5.1 Aboriginal stakeholder consultation

Requirements of Airport Plan Condition 11 include providing opportunities for feedback on the mitigation and management of Aboriginal cultural heritage values and for organising stakeholder participation in cultural heritage activities.

The Infrastructure Department, as Site Occupier, initiated consultation through Aboriginal Stakeholder Forums from October 2017 to May 2018. The consultation by the Infrastructure Department was undertaken to support early engagement with Aboriginal stakeholders on key issues relating to the Aboriginal cultural heritage program for the WSA site.

WSA was also involved with the Infrastructure Department in consultation and participating through Forums from airport lease grant in May 2018 to August 2018. Forums were convened by Navin Officer Heritage Consultants and related to consultation on components of the Aboriginal Cultural Heritage Management CEMP for early earthworks including:

- an Aboriginal Stakeholder Consultation and Engagement Plan

- a Survey and Salvage Plan for the conduct of initial survey and salvage (approved in December 2017 and implemented between January 2018 and August 2018, including an approved variation to the Plan in August 2018)

- a Topsoil Protocol for the management of topsoil assessed as likely to contain a relatively high density of Aboriginal artefacts, and which would otherwise be impacted by earthworks

- an Oral History Plan for the conduct of an oral history related to the airport site and its surrounding district (this plan) and

- arrangements for the temporary storage and curation of salvaged Aboriginal cultural heritage items.

Development of the Oral History Plan included the following consultation with Aboriginal stakeholders:

- Presentation and discussion of the plan outline including a workshop discussion focused around key issues and questions at Aboriginal Stakeholder Forum 4 on 28 February 2018 Consideration of written comments provided on feedback sheets submitted at the end of the workshop discussion and subsequently via email

- Consideration of Forum meeting notes recording stakeholder discussion and comments at Forum 4.

- A draft Oral History Plan was presented and discussed at the Aboriginal Stakeholder Forum 7 on 1 August 2018

- The draft Oral History Plan was emailed to Aboriginal stakeholders on 2 August 2018 for comment by 15 August 2018

- In response to stakeholder concerns about limited time to consider the draft, WSA extended the time for comment by an additional week to 22 August 2018

- The Infrastructure Department also responded to a request for a workshop and arranged for workshops with stakeholders at two locations on three draft plans including this plan:
  - Thursday 23 August 2018 at Shellharbour for stakeholders who had sought a workshop approach to providing comments and
  - Tuesday 28 August 2018 at Luddenham for other regularly participating stakeholders based in Western Sydney.

- Comments and views from these workshops were presented to Stakeholders at the Aboriginal Stakeholder Forum on 29 August 2018 and

- Consideration of meeting notes for Forum 8 recording stakeholder discussion and comments.

WSA finalised the draft Oral History Plan in developing the Aboriginal Cultural Heritage CEMP. The approved CEMP and related sub-plans will be implemented.

5.2 Aboriginal stakeholder views and preferences

The views and preferences about the Oral History Plan expressed through the consultation and engagement process can be grouped around the issues associated with sourcing interviewees; the temporal and thematic scope of oral histories, methods of recording, who can speak on cultural matters and the involvement of appropriate Aboriginal people and specifically who in the Aboriginal community would need to be referred to for information and advice. These issues are addressed in the following sections.

5.2.1 Sourcing interviewees

The range of Aboriginal stakeholder opinion regarding the identification of potential interviewees favoured an inclusive and wide-ranging approach. It was also considered that a range of methods should be considered to identify participants and stories such as:

- Inviting people to tell their stories could be achieved through Facebook, noticeboards on local organisations, electronic noticeboards and local newspapers

- Asking participants who have been identified as knowledge holders in previous studies and

- Identifying recognised local elders within the Aboriginal community who have successfully established community organisations and initiatives as these people could provide good sources of local contemporary history.

Comments from Aboriginal stakeholders on the approach to be taken noted that this step in the selection of interviewees should be done carefully by the oral historian with advice from the Aboriginal community.

Subsequent to this initial stage of project notification and compilation of potential interviewees, is the selection of interviewees and their consent to project participation. Several stakeholders have expressed concern that during this process, invitations may be extended to persons who's right to

narrate on certain subjects may not be widely recognised or is contentious. A clear framework and guidelines will be developed for the selection of, and the extension of invitations to potential interviewees. The process and selection should have the confidence of Aboriginal community representatives and WSA will seek advice on this through engagement with the Aboriginal community during the implementation of the Oral History Plan.

5.2.2 Temporal and thematic scope

The temporal and thematic scope of oral histories should not be restricted. The range of Aboriginal stakeholder opinion regarding the scope of the Oral History Plan favoured an inclusive and wide-ranging approach. This involves both geographic bounds and the type of stories which may be relevant.

The history of forced relocation of Aboriginal communities means that knowledge may now be a tradition of distant communities, or be couched in regional rather than local or place-specific terms. Stories of places which may be physically distant from the WSA site can potentially have significance due to tribal or historical affiliation, or to linking cosmology and storylines.

Stories of the recent past from the interviewees lived experience and more distant traditions and stories passed down through generations are equally desirable and relevant subjects of an oral history study.

Specific points raised included:

- It would be good to include the resettlement programs involving Aboriginal people in the Liverpool and Mt Druitt areas in the 1960's and 1970's

- It would preferable to include local history beyond living memories, for example including massacres of Aboriginal people and the encampment of Pemulwuy at Badgerys Creek and

- Different people and stories should be recorded.

The benefit of a broad scope includes that other people may want to know more about Aboriginal language, culture and contemporary experiences and the information gathered may help with commemoration of Aboriginal cultural heritage at the airport.

The oral history will be scoped so there is a variety of themes including:

- interviewees who may talk about their contemporary recollections

- interviewees who may talk about historical aspects of the area and

- interviewees who may talk about culture or traditional stories relating to the Cumberland Plain area.

Stories of Aboriginal people and their customs, lore and/or connection to the site should recognise that cultural knowledge and lore may be protected by specific knowledge holders in the Aboriginal community. Only these custodians are able to speak on such matters. It will be their decision whether such information can be recorded, and if recorded, how it may be made available. Appropriate knowledge holders who are accepted and acknowledged by the Aboriginal community will be involved.

5.2.3 Methodologies used in recording

- Recordings can be made by video and written and should be published. On-site plaques are another means of publication [of stories] and

- Consideration should be given to the engagement of an Aboriginal person to conduct the project.

5.2.4 Aboriginal oversight

Ethno-historical records indicate that the Aboriginal experience of the WSA site and of Western Sydney was not limited to a single tribal group however there was a recognised Darug linguistic group on the Cumberland Plain. Since European contact, the economic, social and legal function of Sydney as a colonial, and later State capital, has added many layers of Aboriginal life-history to the pre-European base of Darug linguistic groups.

Customary rights of the original custodians of Country may now not be clear due to European impacts on Darug language and customs. The approach will therefore necessarily recognise historical experiences of individuals and families and connections of tribal and language groups from outside the area. There is a consensus t amongst the WSA Aboriginal stakeholders of the right of Aboriginal people to on and interpret matters of traditional custom and lore including those that identify as Darug. Information contributed to the oral history project which relates to Darug tradition and lore should be subject to the review of recognised knowledge holders who are accepted and acknowledged by the Aboriginal community before being considered for publication or distribution. Involvement of Aboriginal people in this way recognises that these issues must be addressed with due respect and only appropriate people in the Aboriginal community should speak to these issues.

Stakeholder feedback suggested that an Aboriginal advisory group should be set up to provide oversight and guidance to the oral history project and that:

- it should include appropriate Aboriginal people who can represent Darug identified groups
- it should include other Aboriginal people representing other groups with connection to the Western Sydney area
- it should be impartial and
- it could be assisted by specialists as necessary.

5.2.5 Publication, format and distribution

There is a consensus amongst the WSA Aboriginal stakeholders that the results of implementing the Oral History Plan should be published and distributed following its review by the WSA Aboriginal stakeholders. There is also a general appreciation that the physical format and mode of publication and distribution may be multiple and varied according to the content, intended audience, and context of presentation. Potential formats and modes include:

- printed hard copy and e-publication
- audio and video
- on-site plaques and signage and
- architectural, design and art components.

It will be important to ensure that modes and contexts of publication or presentation are culturally appropriate and are not perceived to lessen or devalue any cultural values being presented. A clear framework and guidelines will be required for the selection of modes and contexts of oral history information.

5.2.6 Curation of information

It is a principle of oral history research that interviewee recordings form part of the historical record and should be conserved and made accessible to future researchers and members of the public, subject to agreed conditions. To comply with this principle, arrangement must be made for the long-term curation of the record, within an appropriate repository or institution.

To date, there is no consensus amongst the WSA Aboriginal community regarding the long-term management of cultural material generated or salvaged as part of the WSA project. The long-term curation of the records generated by the implementation of the Oral History Plan will be the subject of future consultation on the development of a curation sub-plan under a subsequent Aboriginal Cultural Heritage CEMP.

6. Implementation

6.1 Responsibility for implementation

Under the Airport Plan, WSA is responsible for the implementation of the Aboriginal Cultural Heritage CEMP and its component plans and protocols, such as the Oral History Plan. The WSA Environment Manager is the accountable position for ensuring this plan is implemented as approved.

Implementation of the Oral History Plan as outlined below requires Aboriginal community consultation and oversight and the engagement of an appropriately qualified and skilled oral historian to manage the project.

There are potentially useful and valuable linkages between the implementation and outcomes of the Oral History Plan and the consultation on a potential Keeping Place to be undertaken by the Infrastructure Department from early 2019. The Infrastructure Department will therefore have an interest in this Aboriginal stakeholder consultation and community oversight given a similar (or the same) Aboriginal stakeholders may be interested in participating in Keeping Place consultations. The oral history implementation experience and the oral histories recorded could also be potential resources that could be of value to a potential future Keeping Place.

6.2 Staging and indicative timing

The implementation of each step of the Oral History Plan will recognise best practice and ethical principles for undertaking oral histories. The implementation of the plan will progress in the steps described in Table 2. The implementation timeframe for the initial phase is estimated as 6 to 8 months from the completion of survey and salvage.

Table 2: Oral History Plan implementation steps and indicative timing

Step	Activity (Responsibility)	Description of components	Timeline
1	Establish management responsibilities for implementation (WSA)	• WSA and Infrastructure Department consultations on mutual interests and involvement • Confirm Oral History Plan Manager and WSA management and reporting arrangements	Week 1

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Step	Activity (Responsibility)	Description of components	Timeline
2	Consultation	• Consultation with Aboriginal Stakeholders/Community • Invite and evaluate nominations for up to 5 – 7 participants for consultation • Confirm phase 1 implementation approach	Week 2 - 4
3	Prepare project brief for Oral historian (Project Manager)	• Prepare project brief (refer Attachment C)	Week 4 - 5
4	Engage Oral Historian (Project Manager)	• Finalise timing of engagement and terms of engagement • Engage an appropriately qualified and experienced oral historian (preferably of Aboriginal descent) to undertake project, in consultation with Aboriginal Stakeholders (Refer to Attachment C).	Week 1 - 6
5	Conduct background research (Oral Historian)	• Review previous oral history projects relevant to WSA site and district • Review Aboriginal history of Western Sydney • Review sources which may identify the identity of potential interviewees • Review potential repositories and institutions for long term storage and curation of project records	Week 6 & 7
6	Develop curation strategy (Project Manager and Oral Historian)	• Develop a strategy for the long-term curation of project records. • This may include: o Provision for short or mid-term storage during analysis and/or prior to the conclusion of consultation on a Keeping Place for Aboriginal cultural material related to the WSA site o The identification of a repository or institution for long-term storage and curation. This may be a Keeping Place related to the WSA Stage 1 development, or an alternative.	Week 8 & 9

Step	Activity (Responsibility)	Description of components	Timeline

7	Finalise method and documentation
	
	(Oral Historian and Project Manager)
		• Outline of interview topics and questions
		• Interviewee invitation
		• Interview checklist
		• Information, templates and forms for interviewees on:
		   o oral history aims and methods
		   o potential for anonymity and placing restrictions on use
		   o intellectual, moral and copyrights
		   o managing culturally sensitive information
		   o required forms for consents and agreements (*Conditions of Use* or *Release Agreement*- see Attachment E)
		   o what interviewees will receive after interview
		   o opportunities for review, revision or withdrawal of the record
		   o remuneration and
		   o record curation
			Week 8 & 9

8	Identify potential interviewees (Oral Historian/Project Manager)	• Advertise the nature, conduct and timing of the project and invite nominations of potential interviewees • Conduct initial meetings with key individuals and community organisations with the aim of identifying potential interviewees • Compile and present the results for consultation (Step 2 consultation group) • Initiate first contact with recommended potential interviewees to ascertain their suitability as an interviewee and interest.	Weeks 6 - 11

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Step	Activity (Responsibility)	Description of components	Timeline
9	Conduct interviewee meetings and interviews (Oral Historian)	• Pre-interview contact and/or meetings, as required, to introduce and discuss oral history methodology, potential interview themes, consents and interviewee rights, and establish trust • Receive and record the interviewee's agreement to be interviewed • Obtain a release form by which the interviewee transfers his or her rights to the interview for the purposes of the project and to the repository or institution responsible for long-term curation of the interview records. This may be obtained prior to or after the interview session(s) • Subject to interviewee consent and agreement to conditions, conduct oral history interviews • The number of interviewees, interviews and the duration of the interviews will be determined relative to the number of interviewees (aiming for up to 15 initially and for each phase) and the allocated resources • Consider incorporating Aboriginal language and music appropriately where interviewees see the potential	Week 11 & 12
10	Transcription of audio record (Oral Historian)	• Transcribe the audio record into text form • Catalogue and index appropriately with reference to associated documentation and method records	Weeks 12 - 15
11	Review, revision and approval of transcripts by interviewees (Oral Historian)	• Provide copies of draft interview transcripts, and as required, audio or video records of interviews to each respective interviewee, with an opportunity to review and provide comments, stipulate corrections and edits, or identify material to be withdrawn • Allow a reasonable period for review and response preparation, and as necessary, the oral historian is to follow-up with telephone, postal/e-mail or face-to face meetings to obtain approval of interview record • Revise and/or annotate transcriptions and oral history record according to the direction of the interviewees, in accordance with best practice and ethical principles	Weeks 13 - 16

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Step	Activity (Responsibility)	Description of components	Timeline
12	Review of interview records (Project Manager and Oral Historian)	• Review interview records and content to identify material which may be culturally sensitive or inappropriate for some, or all forms of use, publication or distribution • Determine the format and structure of the draft oral history report	Weeks 13 - 17
13	Preparation of draft report (Oral Historian)	• Prepare a draft report for consultation • Draft report to include: o Project methodology o Historical background o Other relevant oral histories in Western Sydney o Index and catalogue of interviews and associated records, media and other material o Interview transcripts o Images as appropriate o Discussion and recommendations for appropriate formats, modes and contexts for use and application of content, publication and distribution o Recommendations for the long-term curation of project records o Recommendations for subsequent phases for undertaking oral histories aligned with WSA Stage 1 construction.	Weeks 16 - 19
14	Review of draft report by WSA Aboriginal stakeholders (Project Manager and Oral Historian)	• Provide opportunity for consultation (Step 2 consultation group) • Invite broader Aboriginal community to provide comment on the draft report	Week 20 & 21
15	Prepare final report (Project Manager and Oral Historian)	• Finalise the report considering consultation feedback, and written responses on the draft report • Confirm acceptance of the final report.	Weeks 20 - 22
16	Acceptance of final oral history report (Project Manager/WSA)	• Acceptance of oral history report by WSA • Provide a copy of the report to the Infrastructure Department • Acknowledgement ceremonies (if appropriate)	Week 23 & 24

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Step	Activity (Responsibility)	Description of components	Timeline
17	Distribution of final report (Project Manager/WSA)	• Provide electronic and/or hard copies of final report to interviewees and interested WSA Aboriginal stakeholders (on request) • Publish the report on WSA website (if agreed to by Aboriginal stakeholders/community and subject to any consent restrictions) • Provide electronic and/or hard copies of final report to local, state and national libraries, including the library of the Australian Institute of Aboriginal and Torres Strait Islander Studies, Canberra.	-
18	Consideration of report recommendations (Project Manager/WSA)	• Develop a plan for implementing report recommendations and to undertake subsequent oral histories aligned with WSA Stage 1 construction phases.	-
19	Review of Oral History Plan and its implementation (Project Manager/WSA)	• Review the conduct and implementation of this plan in consultation with the Aboriginal stakeholders. • Integrate review findings with planning for subsequent phases of the oral history program (WSA Stage 1 construction phases)	-

6.3 Recording mediums and format

The conventional recording medium for oral histories has been audio recording, using magnetic tape and more recently, digital solid-state formats. Contemporary practice now includes video recording as the primary medium, with supplementary recording from still photography and audio. For search and archival purposes text transcripts of the spoken word continue to be a standard methodology.

The type of recording medium(s) to be used in implementing the Oral History Plan will be determined by the Project Manager and Oral Historian in consultation with Aboriginal stakeholders and individual interviewees based on the following considerations:

Audio

- efficiency and cost effectiveness of the medium
- advantages for interviewees who may want anonymity (in published contexts) or want only to record audio and
- its application for modern forms of publication and distribution, and in meeting audience expectations.

Video

- efficiency and cost effectiveness of the medium - more expensive than audio and
- the range of options for publication and distribution and meeting audience expectations.

Several Aboriginal stakeholders indicated a preference for the use of video as a standard recording medium.

Still photography

- The value of photographs as a supplementary medium and
- opportunities for creating an interviewee portrait record and recording supplementary material and documents.

6.4 Aboriginal stakeholder consultation

Aboriginal Stakeholder and Aboriginal community consultation will be undertaken to support the implementation of the Oral History Plan. An Aboriginal Stakeholder Consultation and Engagement Plan, a sub-plan of the Aboriginal Cultural Heritage CEMP, will be implemented to address cultural aspects relating to the development of the airport site. The consultation program relevant to the Oral History Plan will have the following role:

- to provide functional consultation processes which act to represent WSA Aboriginal stakeholders and the broader Aboriginal community of Western Sydney to advise on the main interests relating to seeking, recording presenting oral histories
- to provide guidance and advice to the Project Manager and the Oral Historian on the Aboriginal participation and specifically considerations such as the best approaches to invite the participation of interviewees and for the final selection of interviewees
- the representation of the interests of the Aboriginal people with connection to the Western Sydney area through specific community supported representatives
- the review and comment on draft documentation required to implement the Oral History Plan including interviewee contributions
- to advise on curation and access to oral histories that may include culturally sensitive information and
- to support review of plan implementation and suggesting improvements for undertaking subsequent oral histories.

6.5 Identification of interviewees

Identification of interviewees will include the following actions:

- advertising the nature, conduct and timing of the project on a variety of appropriate electronic and print media and community notice boards with an invitation to submit nominations of potential interviewees
- consultation with Aboriginal community representatives, and representatives of Aboriginal community organisations such as Local Aboriginal Land Councils
- consultation with local historians, academics and heritage practitioners, as appropriate
- reviewing previous oral histories or similar projects relevant to Western Sydney to identify resources and potential interviewees and
- reviewing interviewee suggestions and nominations in consultation with the aim of initially selecting up to 15 interviewees.

6.6 Interviewee remuneration

Interviewees will be offered fair remuneration for their time taken to undertake an interview and for follow-up at a market rate which will be determined by WSA). Interviewees will be offered a copy of their interview contributions and, if their contribution is selected for inclusion in the final work, their final edited contribution.

6.7 Culturally sensitive information

The following protocols and strategies will be applied for the identification and management of culturally sensitive information.

Table 3: Protocol for the identification and management of culturally sensitive information/content

Function	Protocol and strategies
Identification of culturally sensitive information/content	• A handout will be provided to all interviewees, developed by the Oral Historian and reviewed via stakeholder consultation, which presents options for interviewees to specify the use and management of culturally sensitive information • A standard request for all interviewees for the interviewee to identify any culturally sensitive information and to specify any requirements for the management of this content (such as regarding curation, publication and appropriate audiences) • All oral history content is to be reviewed for cultural sensitivity and appropriateness, and possible publication and management restrictions (Step 2 consultation group to advise on the approach including specific knowledge holders to be consulted) • All interested Aboriginal stakeholders will be provided with an electronic or hard copy of the draft report and invited to review the document and provide an oral or written response within a defined time period for consideration in the development of a final version of the report.
Identification of constraints associated with culturally sensitive information/content	• A standard template will be developed and used to identifying and record culturally sensitive information/content and to specify any associated constraints, limitations or restrictions associated with its, recording, curation, publication, distribution and audience. • The template will be used to progressively record culturally sensitive information/content relevant to each interviewee record and any other material provided • The template may also record the metadata and consents related to an oral history interviewee record (such as a Conditions of Use or *Release Agreement*).
Management of constraints associated with culturally sensitive information	• Any publication, distribution and curation of content will be in accordance with any management requirements and constraints specified by interviewees' consents and

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Function	Protocol and strategies
	the Aboriginal stakeholder advice for identified culturally sensitive information.

6.8 Intellectual property rights, moral rights and copyright

There are multiple legal rights and ethical concerns, which surround the practice of oral history and which potentially define the rights of the interviewee, the interviewer and the commissioning organisation. These include: intellectual property, moral rights and copyright. This section describes what these are and sets out how these matters will be addressed.

The rights of the interviewee and their agreement for the recording, use and storage of their content will be addressed by the signing of a Participant Information Sheet and Informed Consent Form (refer Attachment E). The document relies on the concept of Free Prior and Informed Consent (FPIC). The key to successfully achieving FPIC is clarity of the information provided about the aims and purpose of the project and transparency about the process of gathering information and how it will be managed. Together the Oral History Plan (this document) and the Participant Information Sheet and Informed Consent Form provide for a transparent process setting out the aims of the project, the nature of the information to be collected, how it will be managed and the types of ways that the information collected may be used. The agreement is a legally binding document to address intellectual property rights, moral rights and copyright.

6.8.1 Indigenous Cultural Intellectual Property

Indigenous cultural intellectual property (ICIP) refers to all the rights that Indigenous people have, and want to have, to protect their traditional arts and culture[5]. (Refer Attachment D).

How Indigenous Cultural Intellectual Property will be protected and managed in this project.

It is relevant to reiterate here that the intention of this project is not to record culturally restricted or sacred cultural information but to record and *preserve memories and stories from Aboriginal people relating to the airport site and its district. It is intended that this record would serve as an archive and a resource for future interpretation of the Aboriginal heritage values of the site'* (see Section 2. Purpose). However, if during interviews information is provided that should be restricted for cultural reasons, such as gender or cultural group, then this information should be identified by the interviewee to the oral historian, so that it is not included in the final edited, publishable narrative history. Any such information will be included as an attachment to the transcript of the interview and if an archival copy is agreed to be lodged with AIATSIS then the nature of the restriction and the authority for access will be clearly identified by the interviewee.

It is recommended that the approval process for accessing information is as detailed as possible and is anticipated as a process that will extend into the future. An example would be:

> *Access to the information in Attachment A is restricted to members of the Smith family. Permission to access should be sought from Mr Jack Smith of < address and contact details>. In the event of the passing of Mr Smith permission should be sought from his oldest surviving child or descendant.*

Consistent with their intellectual property rights, interviewees will be provided a copy of their raw transcripts and given the opportunity to correct and or clarify their contribution and content. This is

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[5] Arts Law Centre of Australia, Music and Indigenous Cultural & Intellectual Property Information Sheet, https://www.artslaw.com.au/ accessed 8 April 2018

because it is recognised that memory is an imprecise tool and on the day of the interview it is always possible that some important fact is omitted or forgotten. The transcription process can also introduce inaccuracies due to inaudible or unclear conversation or a difficulty in following spoken voices.

It is recognised that not all interviews will necessarily yield substantive oral histories. Once the transcripts have been confirmed as a true record of the interview and the story corrected or clarified by the interviewee the WSA Environment Manager, as advised by the Aboriginal stakeholders and the Oral Historian, will select the oral histories for editing into publishable narratives.

The Oral Historian will edit the text of the selected histories to produce a draft history suitable for publication as text or video. It is envisaged that this drafting process may entail grammatical editing, editing of repetition and shaping to improve the flow of the storyline. The draft document will be reviewed and approved by the interviewee to ensure that the final product is an accurate and appropriate record of their oral history contribution. Once finalised, a copy will be provided to the interviewee.

A copy of the raw transcripts and/or the raw audio or video files will be provided to the interviewee and where permission has been granted an archival copy will be lodged with AIATSIS.

6.8.2 Copyright

A simple definition of copyright is that it is a collection of rights in certain creative works such as text, artistic works, music, computer programs, sound recordings and films. The rights are granted exclusively to the copyright owner to reproduce the material, and for some material, the right to perform or show the work to the public. Copyright owners can prevent others from reproducing or communicating their work without their permission or may sell these rights to someone else[6].In Australia, copyright law is set out in the Copyright Act 1968 (Cth).

How Copyright will be assigned for this project

Interviewees will retain ownership of the raw transcripts of their interview. A transcript of the interview will therefore be returned to the interviewee at the completion of the project. A copy of the transcripts may be lodged for archival purposes with AIATSIS and copyright will be attributed to the interviewee. To be clear this means that the interviewees are free to use the transcripts for any future projects or the development of future publication as they see appropriate.

The final edited oral and/or audio-visual recordings are commissioned works[7] and copyright in the edited and approved oral histories, whether in written or audio-visual form, will be owned by WSA. These commissioned products may be used by WSA for the range of purposes agreed to in the informed consent form, such as in publications about the airport and its environs, for Aboriginal cultural heritage interpretation, or for commemorative initiatives relating to the airport.

6.8.3 Moral rights

Moral rights are separate from copyright and impose certain obligations on people who use a copyright work. These obligations include:

- attributing the creator as author of a work

- not falsely attributing something to someone and

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[6] Smartcopy The official guide to copyright issues for Australian Schools and TAFE, http://www.smartcopying.edu.au/copyright-guidelines/copyright---a-general-overview/1-1-what-is-copyright Accessed 8 April 2018.
[7] Australian Copyright Council Dec 2014, Family Histories and Copyright, Information Sheet G042v12

- not degrading a work or treating it in a way that will damage the creator's honour or reputation[8].

How moral rights a will be protected in this project

WSA undertakes to acknowledge the interviewee as the author of their oral history and will ensure that the use of the work is consistent with the agreed range of uses as set out in the informed consent form. Where in doubt the Aboriginal stakeholders will be consulted as to the appropriateness of the treatment of the work(s). If future uses of the oral history, which have not been agreed to, are considered then the interviewee will be consulted directly for permission to use their history. The role of the oral historian will be acknowledged in any publication of the oral histories.

6.9 Record curation

The recording or oral histories will generate a range of documentation and records which should be managed as a long-term record relating to the WSA Stage 1 development and appropriately curated for the purposes of future reference and research.

Records to be managed for long term curation include:

- Approved plans for implementing oral histories
- Promotional material and information
- Biographical and identification information of interviewees
- Interviewee agreements, release and consent forms
- Recorded metadata relating to culturally sensitive information/content if any is recorded
- Original interview recordings, including metadata, audio and/or video
- Interviewer notes
- Photographs and other material (interviewee portraits and contexts, supporting information/artefacts)
- Interview transcripts
- Consultation meeting records
- Aboriginal stakeholder comments (in summary and not attributed to protect privacy) and
- Final report (hard copy and electronic).

The development of a curation strategy including the identification of appropriate repositories and institutions who will accept and curate these records will be implemented under Step 6, Table 2.

The following issues must be addressed in the curation strategy:

- compliance with any consent/release, storage and access constraints agreed to with interviewees
- the ability to accommodate on an ongoing basis any curation conditions relating to culturally sensitive content
- the requirements and preferences of the Aboriginal stakeholders

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[8] Australian Copyright Council Dec 2014, Family Histories and Copyright, Information Sheet G042v12; and Oral History NSW, Understanding Copyright Information Sheet refer Attachment D to this plan

- the role of a potential Keeping Place that may be established as a result of consultation required as Airport Plan Condition 11 (4)

- provision for access to the curated material for research, education and/or by Aboriginal custodians

- defining ownership, including intellectual property right, moral right and copyright holders, and any future constraints on distribution and publication and

- the potential for the lodgment of copies of selected records at multiple institutions including but not limited to:

  o Library of the Australian Institute of Aboriginal and Torres Strait Islander Studies (Canberra)

  o State Library NSW

  o Australian Museum (Sydney)

  o National Library of Australia (Canberra)

  o National Museum of Australia (Canberra)

  o Western Sydney University Library

  o Gandangara Local Aboriginal Land Council

  o Penrith City Library and

  o Liverpool City Library.

6.10 Publication

A final report will be published and distributed, subject to any management or other constraints, in formats and in media that is culturally appropriate. The intention is to provide access to the final report and the oral histories to a variety of audiences.

The final report and oral histories will provide a resource to be considered in the design, construction and production of Aboriginal cultural heritage interpretive components and media in the WSA site and its infrastructure. The resource may also be useful in developing commemoration opportunities for Aboriginal cultural heritage at the airport site.

The use of this resource reflects Aboriginal stakeholder views that the airport provides opportunities for the development of educational resources for the interpretation of Aboriginal culture to residents and visitors to Western Sydney, including users of the airport site.

The following publication, distribution and use options will be considered:

- hard copy and electronic books and pamphlets on the oral histories

- oral and video recordings in digital format

- access to digital format content via web-based applications and platforms

- text, audio, video and pictorial presentations within, and as part of the airport infrastructure

- text, audio, video and pictorial presentations within, and as part of a potential Keeping Place display

- on-site signage and plaques commemorating Aboriginal cultural values and heritage and

- on-site naming, architectural and landscape design, and art commemorating Aboriginal cultural values and heritage.

7. Plan review

There will be opportunity for refinement of the methodology through input from the engaged Oral Historian and Aboriginal stakeholders before oral history interviews commence as indicated in Table 2, Steps 2 – 4. Working improvements to this plan must be recorded by the Project Officer and taken into account when reviewing the Oral History Plan and if necessary submitting variation to the Plan.

Any major variations would need to be agreed to by WSA Environment Manager, noting that a substantive variation to a plan may need to be submitted to the Infrastructure Department and considered for approval.

Progress on implementing the Oral History Plan will be reviewed in accordance with Airport Plan Condition 39 – *Occupier to prepare and publish reports about its compliance with construction conditions,* and include it in WSA annual report.

8. References

Australian Heritage Commission 2002 *Ask First, A guide to respecting Indigenous heritage places and values*, Australian Heritage Commission, Canberra.

Australian Institute of Aboriginal and Torres Straight Islander Studies website accessed 11 April 2018, 'Rights Respect and Recognition' https://aiatsis.gov.au/research/ethical-research/guidelines-ethical-research-australian-indigenous-studies/rights-respect-and-recognition

Commonwealth of Australia (CoA) Dec 2016 *Western Sydney Airport, Airport Plan.* Commonwealth of Australia. Canberra.

Department of Infrastructure and Regional Development (DIRD) Sep 2016 *Western Sydney Airport, Environmental Impact Statement.* Five Volumes, Commonwealth of Australia, Canberra.

Oral History Association (USA) website, accessed 8 April 2018, http://www.oralhistory.org/about/do-oral-history/

Attachments

A. Principles and best practice for oral history

B. Guidelines for ethical practice in oral history

C. Commissioning an oral history project

D. Story Telling – Legal Issues

E. Draft Participant information sheet and informed consent form

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A. Principles and best practice for oral history

Source: Oral History Association (USA)

http://www.oralhistory.org/about/principles-and-practices/

accessed 2 April 2018

General Principles for Oral History

Oral history is distinguished from other forms of interviews by its content and extent. Oral history interviews seek an in-depth account of personal experience and reflections, with sufficient time allowed for the narrators to give their story the fullness they desire. The content of oral history interviews is grounded in reflections on the past as opposed to commentary on purely contemporary events.

Oral historians inform narrators about the nature and purpose of oral history interviewing in general and of their interview specifically. Oral historians insure that narrators voluntarily give their consent to be interviewed and understand that they can withdraw from the interview or refuse to answer a question at any time. Narrators may give this consent by signing a consent form or by recording an oral statement of consent prior to the interview. All interviews are conducted in accord with the stated aims and within the parameters of the consent.

Interviewees hold the copyright to their interviews until and unless they transfer those rights to an individual or institution. This is done by the interviewee signing a release form or in exceptional circumstances recording an oral statement to the same effect. Interviewers must insure that narrators understand the extent of their rights to the interview and the request that those rights be yielded to a repository or other party, as well as their right to put restrictions on the use of the material. All use and dissemination of the interview content must follow any restrictions the narrator places upon it.

Oral historians respect the narrators as well as the integrity of the research. Interviewers are obliged to ask historically significant questions, reflecting careful preparation for the interview and understanding of the issues to be addressed. Interviewers must also respect the narrators' equal authority in the interviews and honour their right to respond to questions in their own style and language. In the use of interviews, oral historians strive for intellectual honesty and the best application of the skills of their discipline, while avoiding stereotypes, misrepresentations, or manipulations of the narrators' words.

Because of the importance of context and identity in shaping the content of an oral history narrative, it is the practice in oral history for narrators to be identified by name. There may be some exceptional circumstances when anonymity is appropriate, and this should be negotiated in advance with the narrator as part of the informed consent process.

Oral history interviews are historical documents that are preserved and made accessible to future researchers and members of the public. This preservation and access may take a variety of forms, reflecting changes in technology. But, in choosing a repository or form, oral historians consider how best to preserve the original recording and any transcripts made of it and to protect the accessibility and usability of the interview. The plan for preservation and access, including any possible dissemination through the web or other media, is stated in the informed consent process and on release forms.

In keeping with the goal of long term preservation and access, oral historians should use the best recording equipment available within the limits of their financial resources.

Interviewers must take care to avoid making promises that cannot be met, such as guarantees of control over interpretation and presentation of the interviews beyond the scope of restrictions stated in informed consent/release forms, suggestions of material benefit outside the control of the interviewer, or assurances of an open-ended relationship between the narrator and oral historian.

Best practice for oral history

Pre-Interview

1. Whether conducting their own research or developing an institutional project, first time interviewers and others involved in oral history projects should seek training to prepare themselves for all steps of the oral history process.

2. In the early stages of preparation, interviewers should contact an appropriate repository that has the capacity to preserve the oral histories and make them accessible to the public.

3. Oral historians or others responsible for planning the oral history project should choose potential narrators based on the relevance of their experiences to the subject at hand.

4. To prepare to ask informed questions, interviewers should conduct background research on the person, topic, and larger context in both primary and secondary sources

5. When ready to contact a possible narrator, oral historians should send via regular mail or email an introductory letter outlining the general focus and purpose of the interview, and then follow-up with either a phone call or a return email. In projects involving groups in which literacy is not the norm, or when other conditions make it appropriate, participation may be solicited via face to face meetings.

6. After securing the narrator's agreement to be interviewed, the interviewer should schedule a non-recorded meeting. This pre-interview session will allow an exchange of information between interviewer and narrator on possible questions/topics, reasons for conducting the interview, the process that will be involved, and the need for informed consent and legal release forms. During pre-interview discussion the interviewer should make sure that the narrator understands:

   - oral history's purposes and procedures in general and of the proposed interview's aims and anticipated uses.
   - his or her rights to the interviews including editing, access restrictions, copyrights, prior use, royalties, and the expected disposition and dissemination of all forms of the record, including the potential distribution electronically or on-line.
   - that his or her recording(s) will remain confidential until he or she has given permission via a signed legal release.

7. Oral historians should use the best digital recording equipment within their means to reproduce the narrator's voice accurately and, if appropriate, other sounds as well as visual images. Before the interview, interviewers should become familiar with the equipment and be knowledgeable about its function.

8. Interviewers should prepare an outline of interview topics and questions to use as a guide to the recorded dialogue.

Interview

1. Unless part of the oral history process includes gathering soundscapes, historically significant sound events, or ambient noise, the interview should be conducted in a quiet room with minimal background noises and possible distractions.

2. The interviewer should record a "lead" at the beginning of each session to help focus his or her and the narrator's thoughts to each session's goals. The "lead" should consist of, at least, the names of narrator and interviewer, day and year of session, interview's location, and proposed subject of the recording.

3. Both parties should agree to the approximate length of the interview in advance. The interviewer is responsible for assessing whether the narrator is becoming tired and at that point should ask if the latter wishes to continue. Although most interviews last about two hours, if the narrator wishes to continue those wishes should be honoured, if possible.

4. Along with asking creative and probing questions and listening to the answers to ask better follow-up questions, the interviewer should keep the following items in mind:

- interviews should be conducted in accord with any prior agreements made with narrator, which should be documented for the record.
- interviewers should work to achieve a balance between the objectives of the project and the perspectives of the interviewees. Interviewers should fully explore all appropriate areas of inquiry with interviewees and not be satisfied with superficial responses. At the same time, they should encourage narrators to respond to questions in their own style and language and to address issues that reflect their concerns.
- interviewers must respect the rights of interviewees to refuse to discuss certain subjects, to restrict access to the interview, or, under certain circumstances, to choose anonymity. Interviewers should clearly explain these options to all interviewees.
- interviewers should attempt to extend the inquiry beyond the specific focus of the project to create as complete a record as possible for the benefit of others.
- in recognition of the importance of oral history to an understanding of the past and of the cost and effort involved, interviewers and interviewees should mutually strive to record candid information of lasting value.

5. The interviewer should secure a release form, by which the narrator transfers his or her rights to the interview to the repository or designated body, signed after each recording session or at the end of the last interview with the narrator.

Post Interview

1. Interviewers, sponsoring institutions, and institutions charged with the preservation of oral history interviews should understand that appropriate care and storage of original recordings begins immediately after their creation.

2. Interviewers should document their preparation and methods, including the circumstances of the interviews and provide that information to whatever repository will be preserving and providing access to the interview.

3. Information deemed relevant for the interpretation of the oral history by future users, such as photographs, documents, or other records should be collected, and archivists should make clear to users the availability and connection of these materials to the recorded interview.

4. The recordings of the interviews should be stored, processed, refreshed and accessed according to established archival standards designated for the media format used. Whenever possible, all efforts should be made to preserve electronic files in formats that are cross platform and non-proprietary. Finally, the obsolescence of all media formats should be assumed and planned for.

5. In order to augment the accessibility of the interview, repositories should make transcriptions, indexes, time tags, detailed descriptions or other written guides to the contents.

6. Institutions charged with the preservation and access of oral history interviews should honour the stipulations of prior agreements made with the interviewers or sponsoring institutions including restrictions on access and methods of distribution.

7. The repository should comply to the extent to which it is aware with the letter and spirit of the interviewee's agreement with the interviewer and sponsoring institution. If written documentation such as consent and release forms does not exist, then the institution should make a good faith effort to contact interviewees regarding their intent. When media become available that did not exist at the time of the interview, those working with oral history should carefully assess the applicability of the release to the new formats and proceed—or not—accordingly.

8. All those who use oral history interviews should strive for intellectual honesty and the best application of the skills of their discipline. They should avoid stereotypes, misrepresentations, and manipulations of the narrator's words. This includes foremost striving to retain the integrity of the narrator's perspective, recognizing the subjectivity of the interview, and interpreting and contextualizing the narrative according to the professional standards of the applicable scholarly disciplines. Finally, if a project deals with community history, the interviewer should be sensitive to the community, taking care not to reinforce thoughtless stereotypes. Interviewers should strive to make the interviews accessible to the community and where appropriate to include representatives of the community in public programs or presentations of the oral history material.

Western Sydney Airport

B. Guidelines for ethical practice in oral history

Source: Oral History Australia

https://www.oralhistoryaustralia.org.au/files/oha_guidelines_for_ethical_practice__2007.pdf

accessed 2 April 2018

Western Sydney Airport

Oral History Australia

Guidelines of Ethical Practice 2007

Preamble

The Oral History Association of Australia was formed in 1978 to promote the practice of oral history in Australia; this national body is now known as Oral History Australia. There are independently incorporated Oral History Associations in each State affiliated through their membership of Oral History Australia and committed to providing information and forums for discussion about oral history.

Oral History Australia is concerned that due regard is given to ethical practices and strongly advises that the following guidelines be followed by anyone involved in oral history.

Oral history involves recording, preserving and making available candid information that may be sensitive or confidential. All interviewers are asked to act to preserve the rights and responsibilities of the different parties involved and to refuse to work in any other way.

These guidelines describe ethical practice only. Information about method is available elsewhere and it is hoped that no-one undertakes oral history without being competent in interview technique.

Questions regarding any issue arising from these guidelines may be directed to the Oral History Australia (www.oralhistoryaustralia.org.au) or your State Oral History Association.

The interviewer's responsibilities are to protect the rights of interviewees by:

Explaining: -

1. the purpose of each interview, how it will be organised and recorded, whether it will be placed in a repository, and what interviewees will receive after the interview, such as a copy of the tape, transcript or planned publication;

2. oral history copyright, the implications of assigning copyright to another party, and the rights of interviewees to have a say in the use of their material by asking for anonymity and/or placing restrictions on use of the interview during their lifetime possible future use of interviews by all parties involved such as the interviewer, interviewee, and a repository.

Giving:-

1. each interviewee an agreement to sign which clearly states whether the interviewee will retain copyright or assign it to another party and under what conditions assignment of copyright is granted; any change in use not covered in the original agreement would need to be renegotiated.
2. Conducting interviews with objectivity, honesty and integrity.

3. Being aware of defamation laws and the implications, for all parties concerned, of recording potentially defamatory material.

4. Treating every interview as a confidential conversation until an interviewee gives the right to share information through an agreement.

5. Ensuring that interviewees are given the opportunity to review, correct and/or withdraw material.

6. Ensuring that interviews are preserved for future researchers by, if possible, placing them in a repository under conditions agreeable to the interviewee.

The interviewer should ask that funding bodies or employers

1. Provide a written contract or agree to a written proposal that clearly states the purpose and intended use of interviews and what copyright provisions apply.

2. Accept the confidential status of interviews until the completion of a signed agreement allows otherwise.

3. Allow the interviewer to act professionally and to abide by the guidelines of ethical practice of Oral History Australia.

4. Place interviews in a repository where they will be available for research, subject to any conditions placed by the parties involved.

OHA Guidelines for Ethical Practice 2007   Page **2** of **2**

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C. Commissioning an oral history project

Source: Oral History New South Wales

https://static1.squarespace.com/static/5a28b78d692ebe8cccef0034/t/5a7d12fde4966b0bea7923e9/1518146303143/Commissioning-an-OH-project-guidelines.pdf

accessed 8 April 2018

Commissioning an oral history project

Oral history is a record of information, captured electronically, as the result of a planned interview. Its purpose is to create a record where none exists or to supplement existing records for future research. Oral history is a method of recording spoken language, eyewitness accounts and insights into society and its changing values and attitudes. It also gives a voice to those previously denied the chance to contribute to the recording of history.

Introduction

This guide has been produced for the use of both the commissioning body and the oral historian. For convenience these are referred to respectively as the 'Principal' and the 'Consultant'.

Oral historians are often commissioned to undertake work for others, including individuals, voluntary organisations, commercial organisations, government authorities and consultants such as archaeologists and heritage architects.

Depending on the nature of the work, this may involve a process of determination of the task, preparation of a brief, preparation and submission of a proposal, selection of an oral historian or historians, commissioning and then managing the commission.

The national standard for oral history is set by the *Oral History Handbook* by Beth M Robertson. The following guide attempts only to list all points connected with commissioning and conducting an oral history project. For details of technique and practice, reference to the *Oral History Handbook* is essential.

Guidelines for writing and publishing, whether for print, audio, video or multimedia, are not addressed in this guide.

Commissioning oral history

Principals and Consultants should be bound by the Oral History Australia's Guidelines of Ethical Practice published in the *Oral History Handbook*.

Principals should have a reasonable understanding and appreciation of oral history: what it is, its various applications, the variety of skills that might be involved and the activities that go to make up a particular commission.

Like many activities involving people, particularly those requiring emotional effort, oral history cannot be rushed. It is not easy to estimate the length of an interview or the quality of an individual response. The focus of a project may indicate the average length of an interview. In some cases approximately two hours of recording may suffice; however, the full recording for a 'memory biography' will usually be longer.

Each interview requires preparation for planning, background research and framing questions.

THE BRIEF

A written brief should be prepared for commissions. In developing the brief, there should be clear objectives, an idea of the cost and of the time available.

The brief should be developed to the fullest extent possible, giving consideration to the following points:

Administration

- Purpose of the project (including whether for public or private archives, or ultimate publication, whether in-house or for general distribution).
- Description of the project including scope, subject matter and themes or subjects to be explored.
- Size of the project eg anticipated number and duration of interviews.
- Desired degree of detail for individual interviews, taking into account the breadth and/or the particular focus of the project.
- Equipment to be used and/or technical standards to be attained, e.g. clarity of recording; recording to be of broadcast quality.
- Quotation for the project as a whole; or for an individual interview with its associated tasks included; or rates quoted separately for individual tasks.
- Procedure in the event that the scope of the project is changed - whether enlarged, reduced or terminated.
- Selection of prospective interviewees.
- Manner of contact with prospective interviewees.
- Time frame for completion, and
  - procedure in the event of delay or likelihood of delay to completion
  - responsibility of the Consultant to notify the Principal of potential delays
  - nature of liability (if any) of the Consultant in the event of defined delays..

Conducting the oral history interview

- Definition of tasks, including:
  - Research (may be quoted separately)
  - Preparation
  - Pre-interview
  - Recording the interview
  - Interview logging
  - Transcription
  - Corrections to transcription
  - Interview summary (where attention may be drawn to any possibly sensitive material)
  - Preparation for publication, whether print, audio, video or multimedia
  - Entry on to a database.

- Statement of the Principal's standard requirements:
  - Professional safeguards required such as professional indemnity insurance
  - Interview identification questions
  - Access/permission/copyright release form
  - Format of recording labels, logs and transcriptions
  - Master recordings to be copied immediately and stored
  - Custody of the recordings during the project
  - Logging and transcription to be done from copies
  - Copy of recording for interviewee if required
  - Attention to be drawn to any possibly sensitive material.

After the interview

- Numbers of duplicate copies of recordings and documents to be specified
- Manner in which the recordings and document copies to be delivered
- Letter of thanks to the interviewee
- Reimbursement of agreed expenses, including purchase of recording materials, cost of travel and accommodation where applicable
- How payment is to be made (including directions for progress claims if applicable)
- Income tax arrangements
- Acknowledgement of the Principal, the Consultant and interviewees in final product and/or in any published work.

The proposal

The Consultant should submit a detailed proposal addressing each of the points in the brief. The proposal should:

- Demonstrate an understanding of the task to be performed.
- Demonstrate the Consultant's ability to satisfy the Principal's requirements.
- Propose any variations or alternatives.
- Include the Consultant's:
    - Curriculum vitae
    - Record of experience
    - Relevant references.

If the Consultant wishes to employ an assistant with acceptable qualifications or identifies a possible large extra expense, for example, studio hire, details should be included in the proposal.

Letter of engagement or contract

After receipt and evaluation of the proposals, the Principal may select a Consultant. In special cases it could be necessary to negotiate refinements to the brief.

The letter of engagement or contract should refer to the brief and identify the name and contact details of the supervisor of the project. It should confirm:

- The nature of the project
- The terms and conditions under which it is to be performed
- Any mutually agreed variations.

For small interviewing assignments or oral history tasks, a letter of engagement should suffice, with the agreement resting on the correspondence and the Consultant's acceptance of the offer in writing.

For large assignments involving significant amounts of time and/or money for completion, a contract might be considered more appropriate.

D. Story Telling – Legal Issues

Indigenous Cultural Intellectual Property: - encompasses the following rights:

• The right to protect traditional knowledge and sacred cultural material

• The right to ensure that traditional laws and customary obligations are respected, particularly when money is made from ICIP

• The right to be paid for use of ICIP, particularly if it has been used in a way which is inconsistent with traditional laws or without the community's permission

• The right to full and proper attribution or naming of the community connected with the ICIP

• The right to prevent insulting, offensive and misleading uses of ICIP in all media

• The right to control the recording of cultural customs and expressions, and language which may be essential to cultural identity, knowledge, skill and teaching about Indigenous culture.

See for example: Arts Law Centre of Australia Information Sheet

https://www.artslaw.com.au/images/uploads/AITB_Story_Telling_-_Legal_Issues.pdf
accessed 8 April 2018

Copyright - key points:

• Copyright protection is free and applies automatically when material is created.

• There is no registration system for copyright in Australia.

• Copyright is not dependent on a need to publish the work, the placement of a copyright notice, or any other action before a work is covered by copyright

• Copyright does not protect ideas, information, styles or techniques.

• Copyright does not protect names, titles or slogans.

• The Copyright Act sets out rules about copyright ownership. However, people involved in creating or investing in copyright material can reach agreements about who will own copyright.

• Whether or not the rules in the Copyright Act will be followed, if there will be more than one person involved in the creation of material or where material is commissioned, it's a good idea to have a written agreement about who will own copyright.

• The general rule under the Copyright Act is that the first owner of copyright is the creator of the work, or the person responsible for making the sound recording, film, broadcast or published edition. There are, however, important exceptions to this general rule set out in the Copyright Act. Where a work is made by an employee as part of that employee's job, the employer usually owns copyright.

For further information see:

Australian Copyright Council Jan 2017, Information Sheet G010v19
Australian Copyright Council Dec 2014, Family Histories and Copyright, Information Sheet G042v12

Moral Rights

Creators of copyright material have "moral rights" in their material, whether or not they also own copyright. Moral rights are separate from the "economic rights" of the copyright owner. Moral rights are about keeping the connection between the creator and their work. A creator has the right to be recognised or named as the creator of that material. Moral rights are personal legal rights belonging

to individual creators of copyright works and cannot be transferred, assigned or sold. Moral rights last for the lifetime and up to 70 years after the death of the creator.

Moral Rights, Information Sheet G043v14.
Source: Oral History New South Wales:
https://static1.squarespace.com/static/5a28b78d692ebe8cccef0034/t/5a91cb8f9140b7427f074e85/1519504278293/Understanding_copyright_feb_2014.pdf   accessed 8 April 2018

E. Draft Participant information sheet and informed consent form

This draft form has been modelled on the AIATSIS Participant Information Sheet and Informed Consent Form. This form and its development by the Institute is duly acknowledged.

aiatsis.gov.au/sites/default/files/docs/research_and_guides/ethics/participant_information_sheet_and_informed_consent_form.docx

PARTICIPANT INFORMATION SHEET AND INFORMED CONSENT FORM

Project Title: Aboriginal stories and memories of Western Sydney

Researcher(s): <Insert name(s) of oral historian(s)>

Organisation(s): WSA

What is the project about?

The aim of this research project is to preserve memories and stories from Aboriginal people relating to the airport WSA site and its district.

Who is involved in the project?

This research project is being conducted by <insert name(s) of oral historian> who are contracted to (WSA) for the period of <insert date(s)> to <insert date(s)>

The research is supported by the Registered Aboriginal Parties for the Western Sydney Airport project and is funded by WSA. The Project will be overseen by < insert name>, Environmental Services Manager with advice from Aboriginal Stakeholders : < name them>.

Why have I been invited to participate?

You have been invited to participate because <describe in plain language the reasons why the participant has been chosen to participate in the research project and include the value and benefits of the research to the participant(s)>.

You can pull out at any time and it won't change your relationship with the researcher(s) or anyone else. If you do decide to pull out of the project, you will need to do this by <insert date>.

What will the oral historian(s) do and when?

The oral historian(s) will <describe in plain language the research methods and techniques, interview/focus groups/workshop process, use of digital recordings/photographs, etc.>.

The research will happen around the <insert date(s)> at <insert location(s)>.

It will require the following time commitments from you: <describe in plain language how much time the participant will need to take part in project and whether the participant will be paid or recompensed in some form>.

What will happen to my information?

Your information will be used to create an oral history record of Aboriginal memories of the locality of the western Sydney Airport. Some of the information may be used in heritage interpretation or to help inform the landscaping and design elements of the development.

Any information that is obtained in connection with this research project and that can be identified with you and **which you tell us is confidential**, will remain confidential unless otherwise permitted by you, or as required by law. The procedures for ensuring the confidentiality of your information during the collection phase and the later publication of results are as follows: information that is identified by you as confidential will be marked as such and returned to you. It will be deleted from the material retained by WSA. However,

if you wish a copy will be lodged with the AIATSIS along with instructions for access (see culturally restricted information below).

You will retain any Intellectual Property from your own personal interview recordings. You will be recognised as the author of your edited oral history.

Copyright in the report, edited videos and edited and published texts will be owned by WSA, including the right to incorporate (non-confidential) information into design and interpretation elements of the project subject to Aboriginal stakeholder consultation.

The oral historian(s) will provide you with a copy of the transcript and any recording audio or visual) of your interview.

What are the potential risks?

While your interview will be recorded and transcribed for you and future generations it will not necessarily follow that it will be selected for publication and/ or for inclusion in any cultural heritage interpretation assocaited with the airport. WSACo reatins the right to select specific histories for inclusion in the edited oral history of the airport environs. In selecting those histories it will be guided by the input of Aboriginal stakeholders .

Data storage and giving materials to AIATSIS

During the project, the data will be stored by the oral historian. At the conclusion of the process all unedited transcripts will be returned to the interviewee as both hardcopy and word files. Where agreements have been made to do so copies will be lodged with AIATSIS along with any access provisions.

At AIATSIS these materials can be preserved and made available in the future.

When donating materials to AIATSIS you can place conditions on who can access them, although it is advisable to consider if this is absolutely necessary now and in the future.

Edited oral history narratives and/or edited audio-visual files will be retained by WSA and a copy provided back to the interviewee.

Culturally restricted information

It is not the intion of this project to collect culturally sensitive information. However if during the course fo the project culturally sensitive information is recorded and is identified as such by the interviewee. That material will be excluded from the edited end product and if lodged with AIATSIS will be lodged with appropriate provisions regarding who should have access.i.e. whether permission to access the material will be needed from relevant community organistaions, raditional owners etlders or family groups etc.

Inclusion and exclusion criteria

<If relevant, outline details for the exclusion criteria, i.e. people under the age of 16 won't take part in the interviews/focus groups/workshops>

Contact

I know that if I am worried about the research I can contact <insert name of oral historian and/or evironmental manager WSA>

Complaints

I know that I can complain to:

- <insert name of oral historian and/or WSA Evironmental Manager >

Western Sydney Airport

PARTICIPANT INFORMATION SHEET AND INFORMED CONSENT FORM (continued)

Project Title: Aboriginal stories and memories of western Sydney

Researcher: <Insert name(s) of oral historian(s)>

Organisation(s): WSA

1. **I understand what this project is about**	**Yes** ☐	**No** ☐
2. I voluntarily agree to my participation in this study	Yes ☐	No ☐
3. I understand that I can withdraw from the project at any time	Yes ☐	No ☐
4. I understand what will happen to me during the research project as explained to me	Yes ☐	No ☐
5. I agree that the researcher(s) can interview me for the research including in a group of people (or 'focus group')	Yes ☐	No ☐
6. I consent to this interview/focus group/workshop being audio taped and/or filmed	Yes ☐	No ☐
7. I agree to photographs being taken of this interview/focus group/workshop	Yes ☐	No ☐
8. I understand that I will be paid for my participation as explained to me	Yes ☐	No ☐
9. I understand the potential risks and possible benefits of participating in this research as explained to me	Yes ☐	No ☐
10. I understand that the results of this research may be published in a public or other forum	Yes ☐	No ☐
11. I agree that my name and other personal information may be mentioned in the <project report/publication> that comes out of this research.	Yes ☐	No ☐
12. I understand that all information gathered in this research that is confidential will be kept secure for the duration of the recording project and then will either be returned to me and/or lodged in AIATSIS with appropriate caveats. Confidential information will not be retained by WSA.	Yes ☐	No ☐
13. If the researcher(s) keep(s) a record of what I said with my name on it, or which could be used to identify me, I:	☐ give permission for my information to be shared ☐ don't give permission for my information to be shared	
14. I want the researcher(s) to give me a copy of the <project report/publication> that is produced as a result of this research.	Yes ☐	No ☐

Western Sydney Airport

15. I understand that I will retain any Intellectual Property from my personal interview typed transcripts will be returned to me.	Yes ☐	No ☐
16. I understand that WSA will own the copyright of the final edited stories for use as agreed in the presentation of the cultural heritage of the airport site and its environs. I undertand that WSA cannot reproduce the information that is in the <project report/publication> in other places or for other purposes without first getting permission from myself and other Aborginal stakeholders.	Yes ☐	No ☐

Signatures

Participant to complete:

- I have read the Participant Information Sheet and Informed Consent Form (or someone has read it to me in language I understand) and I agree with it.

Name: _____

Signature: _____

Date: /   /

Email (to send a copy of this form): _____

Oral historian to complete:

- I have described the nature of the research to the Participant and I believe that he/she understood and agreed to it.

Name: _____

Signature: _____

Date: **/** **/**

Appendix E Identifying Aboriginal objects and site types

Unclassified

SMWSA ACH CEMP_F_Feb 22

Unclassified

Unclassified

SMWSA ACH CEMP_F_Feb 22