



18th April 2024
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RE: Unexpected Finds Protocol – 45-57 Moxon Road, Punchbowl NSW

1 Introduction

1.1 Overview

Sydney Environmental Group Pty Ltd (SE) was commissioned by Vaughan Constructions Pty Ltd (the client) to prepare an Unexpected Finds Protocol (UFP) for the site at 45-57 Moxon Road, Punchbowl NSW (hereafter referred to as 'the site').

In consultation with the client, SE has the following appreciation of the site:

- The site occupies an area of approximately 3.46 hectares;
- The site is proposed for redevelopment, comprising demolition of existing structures, constructions of a 2-level warehouse facility with twelve (12) individual tenancies and associated infrastructure, including bulk earthworks, fit out and operation of the warehouse;
- A Detailed Site Investigation carried out for the site by JBS&G (2023) identified contamination within the site, and concluded that the site would require a management strategy to remediate and validate asbestos impacted materials at the site to ensure the site is suitable for the proposed commercial/industrial land use;
- An Aboriginal Cultural Heritage Assessment completed by Austral Archaeology (2023), no artefacts were identified within the site; and
- The site requires an Unexpected Finds Protocol (UFP) as part of Conditions of Consent of the Infrastructure Approval, in the event unexpected contamination / Aboriginal / historical heritage finds are uncovered during the earthworks / civil works stages of the redevelopment.

1.2 Legislation

The Unexpected Finds Protocol (UFP) has been prepared in accordance with the following contamination and heritage legislation, which are relevant to this document and are to be construed as forming an integral part of this document:

- *Protection of the Environment Operations (POEO) Act 1997.*
- *Contaminated Land Management (CLM) Act 1997.*
- *Work Health and Safety Regulation 2017.*
- *Work Health and Safety Act 2011.*
- *Heritage Act 1977 (NSW).*
- *National Parks and Wildlife Act 1974 (NSW).*
- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth).*
- *Coroner's Act 2009 (NSW).*

2 Objectives

The objective of the Unexpected Finds Protocol is to:

- Manage potential unexpected contamination finds to mitigate associated human health and environmental risks, and address obligations under the Protection of the Environment Operations (POEO) Act 1997 (NSW) and Contaminated Land Management (CLM) Act 1997 (NSW);
- Manage potential unexpected heritage finds to address obligations under the Heritage Act 1977 (NSW), National Parks and Wildlife Act 1974 (NSW), Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth) and the Coroner's Act 2009 (NSW); and
- Satisfy Conditions B18, B19, B20, B21, B22, B23 and B29 of the development consent (SSD-55266460).



2.1 Development Consent Conditions

Refer to **Table 2.1** below for references to Sections within the UFP in accordance with the conditions outlined in within SSD-55266460.

Table 2.1. Relevant Development Consent Conditions

Development Consent Reference	Condition Requirements	Section of Report
B18	If any item or object of Aboriginal heritage significance is identified on site: (a) all work in the immediate vicinity of the suspected Aboriginal item or object must cease immediately; (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and (c) Heritage NSW must be contacted immediately.	Section 3.2
B19	Work in the immediate vicinity of the Aboriginal item or object may only recommence in accordance with the provisions of Part 6 of the National Parks and Wildlife Act 1974.	Section 3.2
B20	If human remains are discovered onsite during any works: (a) all work in the immediate vicinity of the human remains must cease immediately; (b) the area must be secured; and (c) the NSW Police Force and Heritage NSW must be contacted immediately.	Section 4.2
B21	Works in the immediate vicinity of the human remains must not recommence until this has been authorised by the NSW Police Force and Heritage NSW.	Section 4.2
B22	If any non-Aboriginal archaeological relics are uncovered during any works being carried out for the development: (a) all work in the immediate vicinity of the suspected relic(s) must cease immediately; (b) Heritage NSW must be contacted immediately; and (c) the suspected relic(s) must be evaluated, recorded and, if necessary, excavated by a suitably qualified and experienced expert in accordance with the requirements of Heritage NSW.	Section 4.2
B23	Work in the immediate vicinity of any suspected non-Aboriginal archaeological relic(s) must not recommence until this has been authorised by Heritage NSW.	Section 4.2
B29	Prior to the commencement of construction, the Applicant must prepare an unexpected contamination finds procedure to ensure that potentially contaminated material is appropriately managed. The procedure must form part of the of the CEMP in accordance with condition C2 and must ensure any material identified as contaminated is disposed of in accordance with the POEO Act and its associated regulations. Details of the final disposal location and the results of any associated testing must be submitted to the Planning Secretary prior to removal of the contaminated material from the site.	Section 3.1 and Section 4.1

3 Unexpected Finds

3.1 Unexpected Contamination Finds

Unexpected finds of potential contamination on site may be identified by visual (appearance / staining) and/or olfactory (odour) evidence. Features described in **Table 3.1** overleaf are typically encountered as unexpected finds.

Table 3.1. Identification of Unexpected Finds (Contamination)

Unexpected Find	Details
Buried or Surface Asbestos Containing Materials	Includes non-friable (bonded) and/or friable asbestos. Visibly identifying asbestos is possible, but requires sampling / analysis by a NATA accredited laboratory to confirm the presence / absence of asbestos fibres.
Hazardous Building Materials	A hazardous building material survey must be undertaken prior to any proposed demolition activities for all structures at the site to identify and confirm the presence / absence of hazardous building materials within the site.
Building Waste Materials	Includes a variety of waste materials, like wood, plastic, metal, building rubble and general household waste / rubbish. Waste materials could indicate uncontrolled filling / dumping.
Hydrocarbon Impacts	Identified as a hydrocarbon odour and/or visible staining, oily sheen and/or larger discolouration of soil strata.
Septic Tanks	Often identified by an organic odour (landfill/sewer/putrefied) of varying strength.
Underground Storage Tanks (UST)	Maybe identified by a buried cylindrical steel tank, bowsers, fill points, footings or steel pipelines, and is often accompanied by hydrocarbon odours or staining.
Acid Sulfate Soils (ASS)	While more than likely not relevant to this site, ASS is identified by sulfidic odour of varying strength and/or grey to dark brown and yellow / orange mottling.
Other Unexpected Finds	May include various chemical odours or staining, and discolouration of soils. It is possible to encounter indications of contamination that may not be specifically described in this UFP. If in doubt, a precautionary principal should be implemented and the Unexpected Finds Procedure outlined in Section 4 followed.

3.2 Unexpected Heritage Finds

Unexpected finds of potential heritage on site may be categorised as either Aboriginal objects, Historic (non-Aboriginal) heritage items or human skeletal remains. Features described in **Table 3.2** below are typically encountered as unexpected finds.

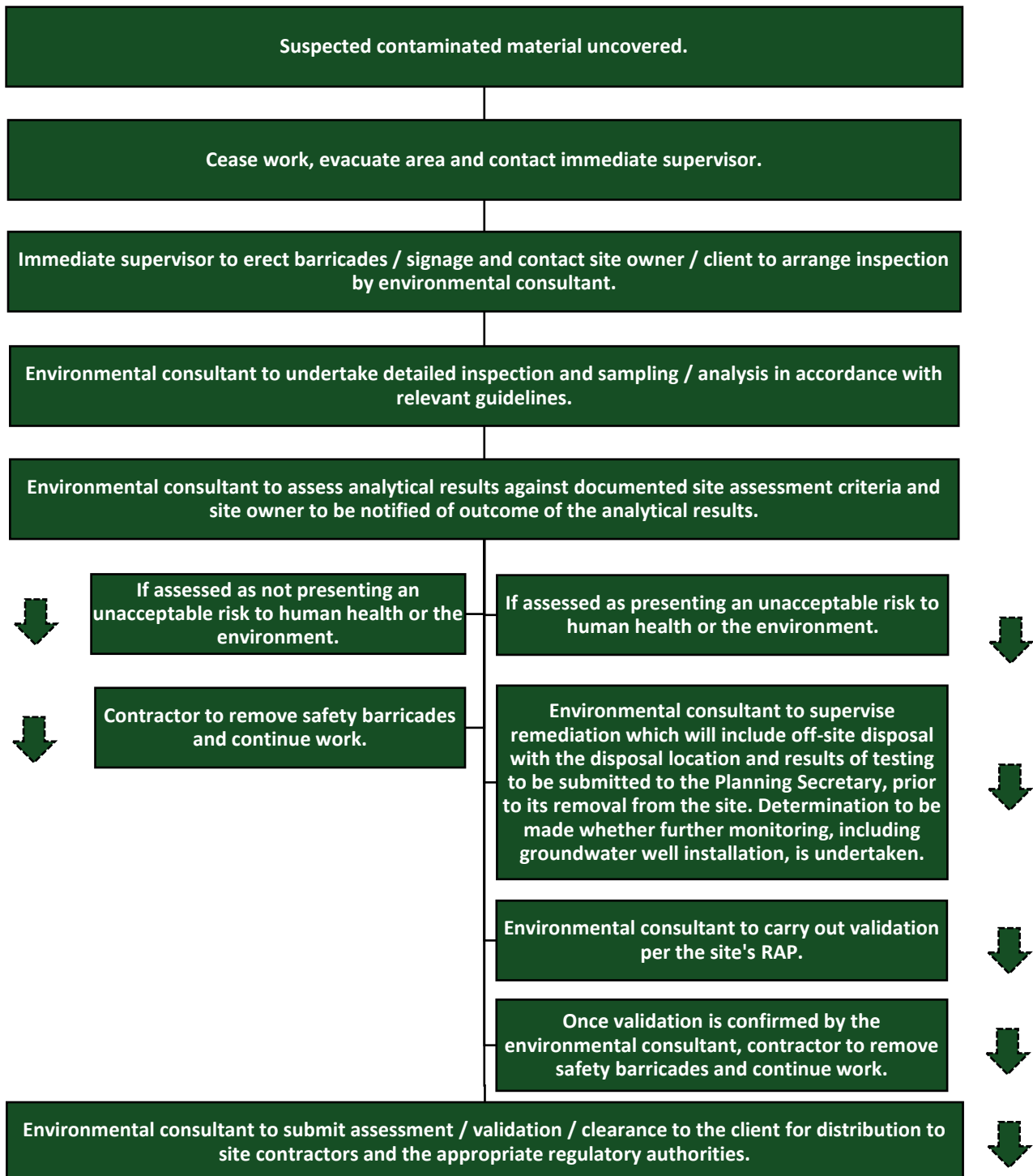
Table 3.2 Identification of Unexpected Finds (Heritage)

Unexpected Find	Details
Aboriginal Objects	Objects include stone tool artefacts, shell middens, axe grinding grooves, pigment or engraved rock art, burials and scarred trees.
Historic (non-Aboriginal) Heritage Items	Archaeological relics (including deposit, artefact, object or material evidence that relates to the settlement of the area that comprises NSW, not being Aboriginal settlement; and is of State or local heritage significance) and other historical items (include culverts, historic road formations, historic pavements, buried roads, retaining walls, tramlines, cisterns, fences, sheds, buildings and conduits
Human Skeletal Remains	Identified as bone fragments, which may not resemble human remains, to skeletal items in isolation (such as a skull) which can clearly be defined as human.

4 Unexpected Finds Procedure

4.1 Unexpected Finds Procedure (Contamination)

In the event that any suspected contamination is found during earthworks / construction phase scope, the following Unexpected Finds Procedure is to be followed:

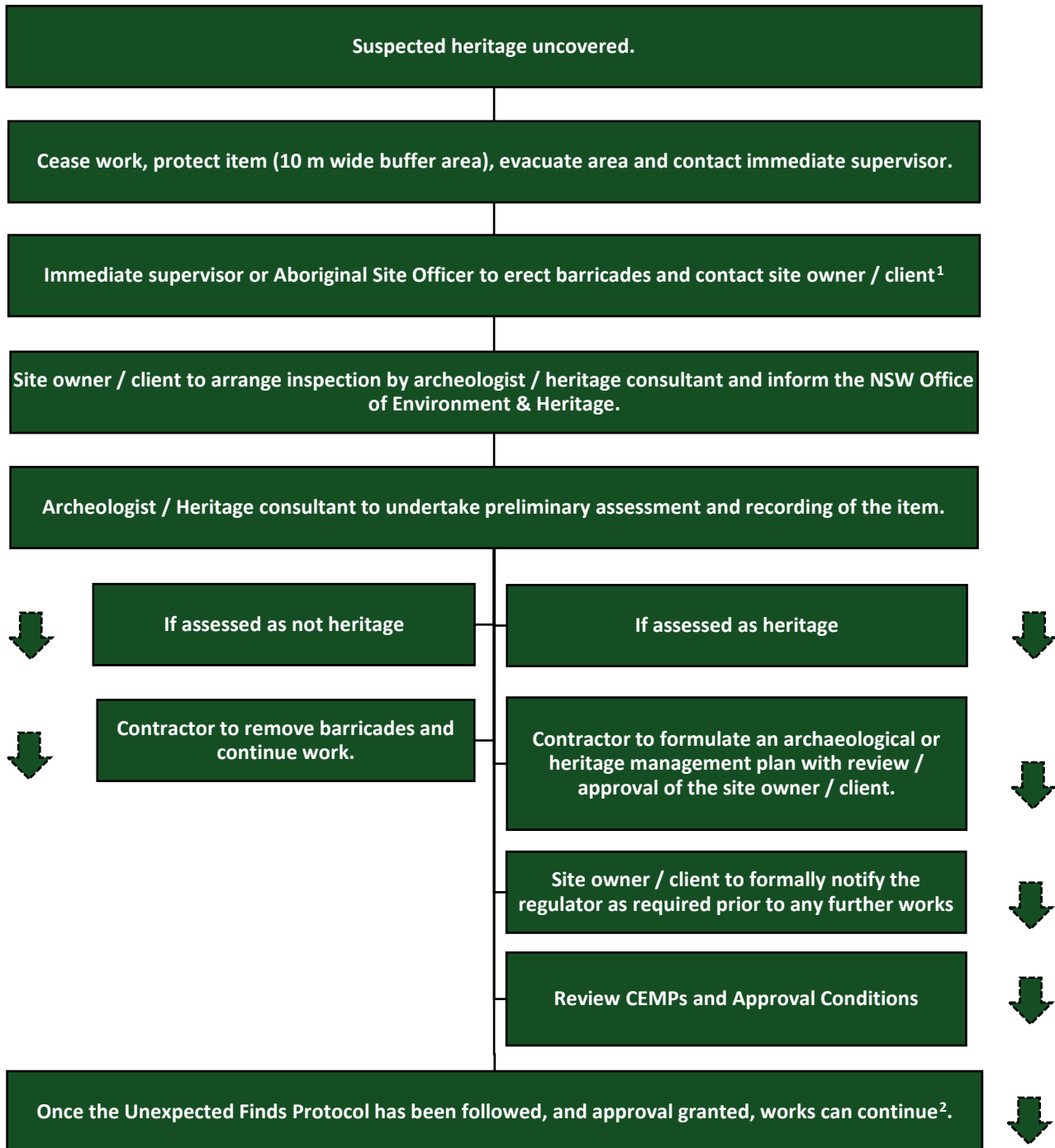


SE note that contamination must be managed in accordance with the following relevant guidelines:

- Work Health and Safety Regulation 2017;
- SafeWork NSW Code of Practice – How to Manage and Control Asbestos in the Workplace December 2022;
- SafeWork NSW Code of Practice – How to Safely Remove Asbestos December 2022; and
- Protection of the Environment Operations (Waste) Regulation 2014.

4.2 Unexpected Finds Procedure (Heritage)

In the event that any suspected heritage items are found during earthworks / construction phase scope, the following Unexpected Finds Procedure is to be followed:



Notes to UFP:

- Per Section 8 of the ACHAR, if suspected human skeletal remains are uncovered, it is a requirement to contact the NSW Police (who may then contact the Coroner’s Office). If remains are believed to be of Aboriginal Origin, the appropriate Aboriginal stakeholders and Heritage NSW must be notified.
- Recommencement of works must be in accordance with the provisions of Part 6 of the National Parks and Wildlife Act (1974).



5 Training

All construction personnel are to be inducted on the identification of unexpected finds outlined in **Table 3.1** and **Table 3.2**, and the unexpected finds flowcharts outlined within **Section 4**. The induction into the UFP must be carried out by a suitably qualified person nominated by the client, and should be part of a broader induction into the Construction Environmental Management Plan (CEMP) (Section 3) for the site.

All inducted personnel are to sign onto a training register following induction, with this UFP readily available as part of the CEMP during all earthworks / civil works and general construction phase scope.

6 Performance Criteria

The unexpected finds protocol is to be followed in the event an unexpected find related to contamination and/or heritage is uncovered during construction works, and as per the CEMP (Section 3). In the event a non-compliance related to failure to notify and engage an appropriate consultant upon uncovering an unexpected find, works must be stopped and the non-conformance recorded in the site's diary. All non-conformances will be reviewed monthly and actions put in place to avoid future non-conformances. Correct and/or follow up actions from investigations will be assigned to a suitable person with an appropriate timeframe for completion.

Reviews, and associated updates, of this UFP, in line with the over-arching CEMP, will be required periodically.

In the event any complaints are made, a client representative will be informed and the client team will engage in communication to rectify the complaint. Please refer to the Project's Community Consultation and Complaints Management Strategy with regards to the handling / management of complaints.

7 Closure

We trust the information presented provides sufficient detail with regard to the procedures for identifying, characterising and managing / remediating unexpected contamination finds. As discussed, it is possible that indications of contamination not specifically covered in this UFP or any site inductions may be encountered. The precautionary principal should be applied, and the unexpected finds procedure activated in all such circumstances.

If you have any queries regarding this UFP, please do not hesitate to contact me.

Sincerely yours,

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