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RE: Unexpected Finds Protocol – 15 & 20 Gow Street, Padstow NSW

1 Introduction

1. Overview

Environmental Group Australia Pty Ltd (EGA) was commissioned by Vaughan Constructions Pty Ltd (the client) to prepare an Unexpected Finds Protocol (UFP) for the proposed redevelopment works located at 15 & 20 Gow Street, Padstow NSW (hereafter referred to as 'the property'). The proposed works will occur within a portion of 15 & 20 Gow Street, Padstow NSW comprising approximately 3 ha (hereafter referred to as 'the site').

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

- The property is comprised of Lot 100 in DP1011185 and Lot 53 in DP1064349 and encompasses a total area of 6 ha;
- The site is comprised of a portion of Lot 100 in DP1011185 and encompasses an area of approximately of 3 ha;
- The site is proposed for redevelopment comprising demolition of existing structures and construction of a new warehouse proposed for industrial land use;
- The proposed development is noted as State Significant Development (SSD) with application number SSD-71052213;
- A Preliminary Site Investigation was carried out for the site by Senversa Pty Ltd (2015) recommending a Detailed Site Investigation be undertaken;
- A Detailed Site Investigation was carried out for the site by Senversa Pty Ltd (2024a) and included review of the previous contamination assessments, the existing EMP and results of the groundwater and vapour monitoring program under the existing EMP. The DSI identified data gaps related to risks associated with the occurrence of asbestos in fill and potential localised aesthetic and hydrocarbon impacts, appropriate use of site-won soils presenting ecological risks, the extraction and use of groundwater, and the monitoring of groundwater and vapour conditions. As such, a Remedial Action Plan was recommended to ensure risks were managed appropriately during redevelopment works;
- A Remedial Action Plan was prepared for the site by Senversa Pty Ltd (2024b) outlining the management strategies for the previously identified contamination associated with the redevelopment works;
- An Aboriginal Cultural Heritage Assessment report was completed by Biosis Pty Ltd (2024), and concluded that no Aboriginal sites, objects or areas of archaeological potential were identified as part of the archaeological survey and subsequent archaeological assessment; and
- The site requires an Unexpected Finds Protocol (UFP) as part of the General Requirements outlined in the SEARs, in the event unexpected contamination / Aboriginal / historical heritage finds are uncovered during the earthworks / civil works stages of the redevelopment.

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 the General Requirements outlined in the SEARs related to managing unexpected finds as outlined within the development consent (SSD-71052213).

2.1 Development Consent Conditions

The general requirements outlined in SSD-71052213 pertaining to the preparation of an unexpected find protocol are as follows:

- Aboriginal Cultural Heritage – unless otherwise agreed in writing by Heritage NSW, an Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared in accordance with the Code of Practice for Archaeological Investigation in NSW (DECCW 2010), and guided by the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales (OEH 2011). The ACHAR must:
 - Identify, describe and assess impacts on the Aboriginal cultural heritage values that exist across the development site
 - Provide evidence and details of consultation with Aboriginal people in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010)
 - Include results of a surface survey and any test excavations and an unexpected finds protocol.

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** 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, bowzers, 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.

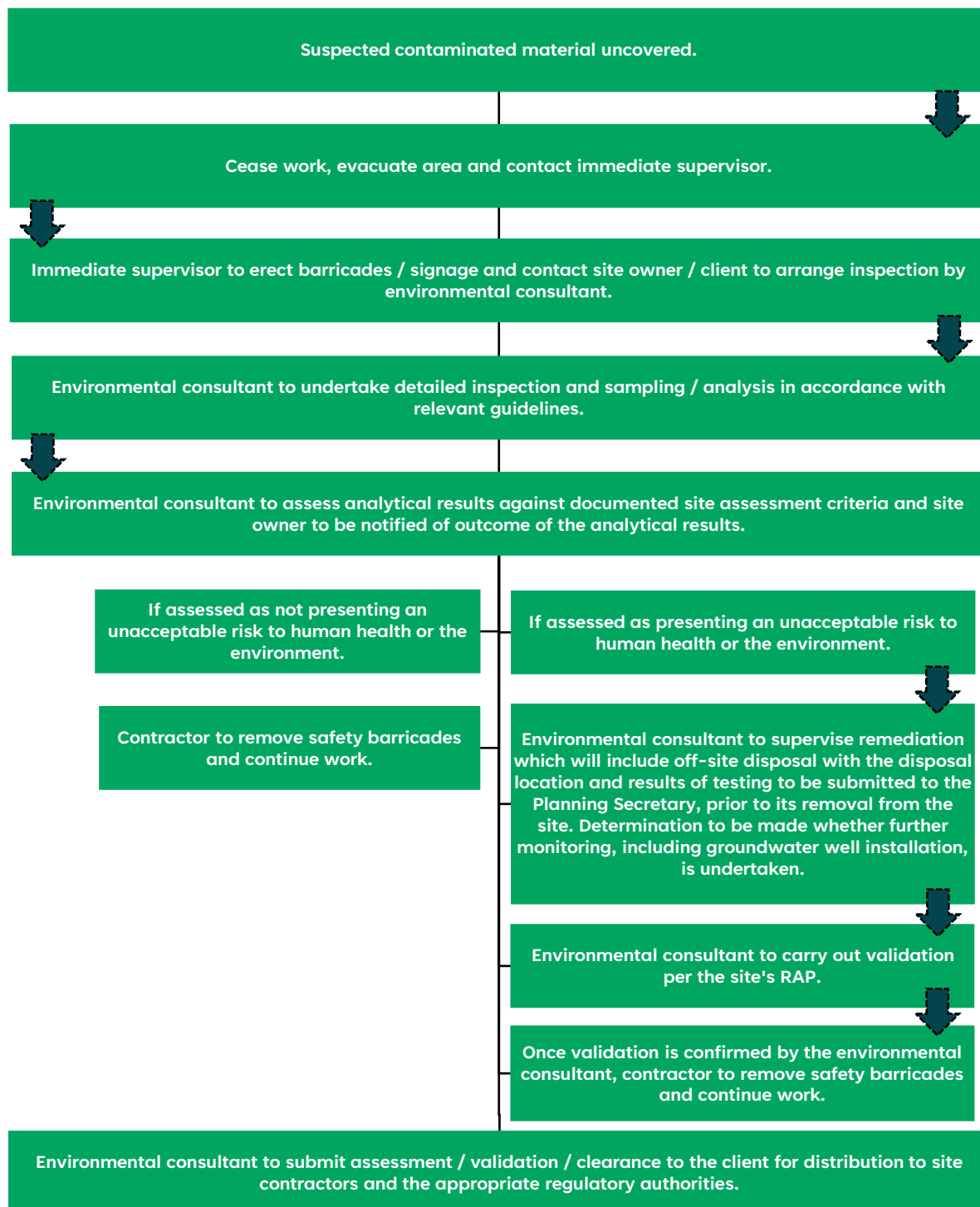
Table 3.2 Identification of Unexpected Finds (Heritage)

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:

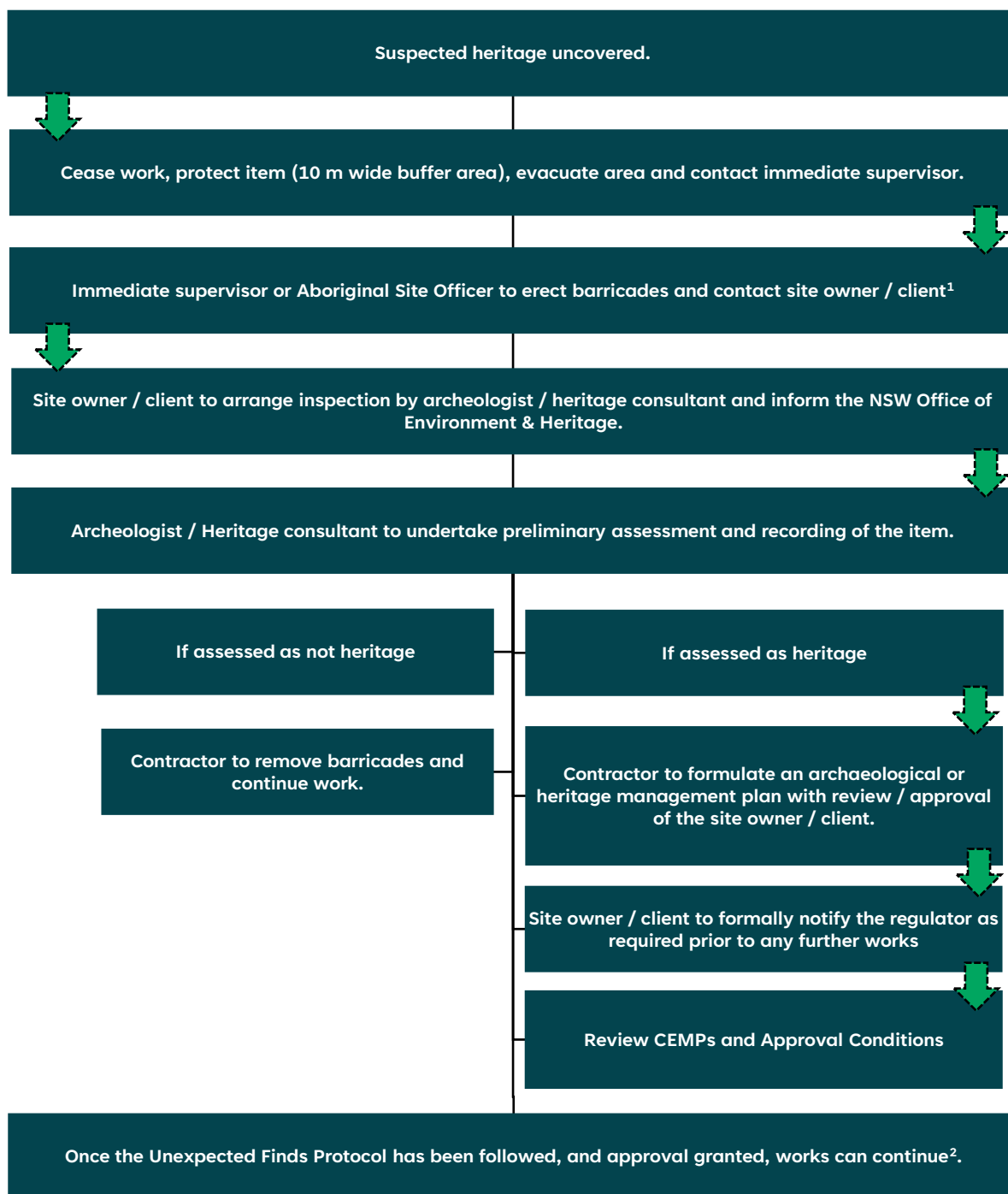


EGA note that contamination must be managed in accordance with the following relevant guidelines:

- 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.

5 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).

6 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) 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.

7 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. 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, will be required periodically.

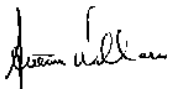
In the event any complaints are made, a client representative will be informed and the client team will engage in communication to rectify the complaint. Please refer to the Project's Community Consultation and Complaints Management Strategy with regards to the handling / management of complaints.

8 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 to not hesitate to contact me.

Sincerely yours,



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