



Our ref: EF21/9037
Your ref: SSD-9138102

David Schwebel
Department of Planning, Industry and Environment
Email: david.schwebel@planning.nsw.gov.au

Advice provided via the Major Projects Portal

Dear David,

Advice on EIS– State Significant Development – Westlink Industrial Estate (SSD-9138102)

Thank you for your referral uploaded to the Major Projects Portal on 18 June 2021 seeking advice on the EIS for the above state significant development (SSD) proposal.

In preparing the following advice we have reviewed the following documents:

- SEARs for SSD-9138102, issued December 2020.
- Aboriginal Cultural Heritage Assessment Report (ACHAR) – prepared by Urbis, dated 17 June 2020
- Environmental Impact Statement 290-308 Aldington Road, 59-62 Abbots Road & 63 Abbots Road, Kemps Creek Westlink Industrial Estate – prepared by Ethos Urban, dated 17 June 2021

Heritage NSW has reviewed the ACHAR prepared by Urbis. It is understood that the archaeological investigation was completed in accordance with the *Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW* (2010) and included field survey and archaeological test excavation. A total of four (4) Aboriginal sites are located within the EIS project area identified as a result of the ACHAR. The sites are comprised isolated surface artefacts and a low density subsurface artefact scatter. All sites would be harmed resulting in a total loss of value as a result of the project.

Consultation with the Aboriginal community was completed in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010) and complies with these requirements. The ACHAR meets the requirements of the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (2011). The EIS project area has been assessed to have high Aboriginal cultural heritage values.

Further refinement of the recommendations provided in Chapter 8 is required to ensure the proposed policies provide adequate and relevant controls as well as recognising the cultural values identified by the ACHAR and provided appropriate management and mitigation measures for those values.

Heritage NSW recommends the following revisions:

- The Archaeological Chance Find Procedure should include direction to secure the location of the find to prevent harm or to prevent further harm from occurring. This policy should remove references to DPC as HNSW does not have a regulatory role for DPIE approved Major Projects. Rather the policy should emphasise consultation with the Registered Aboriginal Parties and include controls to empower the Registered

Aboriginal Parties to determine the appropriate management of chance finds within the EIS project area.

- The Human Remains Procedure should indicate at which point the Registered Aboriginal Parties would be notified of the discovery. This policy should also provide direction to secure the find and restrict access to the area. Discovery of human remains suspected to be of Aboriginal origin should be reported to the Enviroline.
- The above recommendations should be incorporated into any Construction Environmental Management Plans developed for the project.

In addition, Heritage NSW provides the following recommendations to ensure the high Aboriginal cultural values identified within the EIS project area are adequately managed:

- The requirement to register sites under s89A of the *National Parks and Wildlife Act 1974* is not removed by the granting of approval as State Significant Development under the EP&A Act. All four Aboriginal sites within the EIS project area must be registered with AHIMS. Site Impact Recording Forms for each site must be submitted to AHIMS on the completion of any community collection activities and impacts associated with construction. The ACHAR should be lodged with AHIMS.
- Consideration should be given to involve appropriate Aboriginal knowledge holders in the development of the Aboriginal Cultural Heritage Induction. High Aboriginal cultural significance associated with connection to Country has been identified by the ACHAR and this should be communicated through the Aboriginal Cultural Heritage Induction. The induction should be made available to any staff, contractors and visitors to the EIS project area prior to and during construction.
- Consideration should be made to undertake further consultation with the Registered Aboriginal Parties to identify culturally appropriate native plantings to be incorporated with the landscape design. This would be reflective of the high cultural values identified within the EIS project area and align with the Designing with Country discussion paper prepared by Government Architect NSW.

If you have any further questions in relation to this matter, please contact Claire Rayner – Archaeologist, Aboriginal Cultural Heritage Regulation North on 8289 6709 or email at Claire.rayner@environment.nsw.gov.au.

Yours sincerely



Dr Samantha Higgs
Senior Team Leader, Aboriginal Cultural Heritage Regulation - North
Heritage NSW
20 July 2021