



Mr. Bruce Zhang
Senior Environmental Assessment Officer
Industry Assessments
Department of Planning and Environment
bruce.zhang@planning.nsw.gov.au

Your reference: SSD-17552047
Our reference: DOC23/997711-9

Dear Bruce,

Heritage NSW - Advice on Amendment - State Significant Development - The Edge Estate - SSD-17552047

Thank you for your referral uploaded to the Major Projects Portal on 14 November 2023 seeking advice on the Amendment Report for the above State Significant Development (SSD) proposal. In preparing this advice Heritage NSW has reviewed the following documents:

- Relevant sections of the Amendment Report – Edge Estate: 155-251 & 141-153 Aldington Road, Kemps Creek. Prepared by Ethos Urban, 9 November 2023.
- Appendix BB – Updated letter of compliance for 155-251 and 141-153 Aldington Road, Kemps Creek. Prepared by Biosis Pty Ltd, 14 September 2023.
- Appendix CC1 – Aldington Road Estate, Kemps Creek: Aboriginal Cultural Heritage Assessment prepared by Biosis Pty Ltd, 22 April 2022.
- Appendix CC2 – Aldington Road Estate, Kemps Creek: Archaeological Report prepared by Biosis Pty Ltd, 22 April 2022.
- Appendix CC3 – 113-153 Aldington Road, Kemps Creek: Aboriginal Cultural Heritage Assessment prepared by Austral Archaeology Pty Ltd, 2 June 2022.
- Appendix CC4 – Aldington Road and Abbots Road, Kemps Creek, NSW, Telstra Services Upgrades: Aboriginal Due Diligence Assessment prepared by Biosis Pty Ltd, 21 April 2023.

Heritage NSW notes that an Amendment Report has been prepared, which is accompanied by an updated Letter of Compliance and four Aboriginal cultural heritage (ACH) reports, which supersede the original submitted Aboriginal Cultural Heritage Assessment Report (ACHAR). Based on our review of the above-listed documents, there is insufficient information provided for Heritage NSW to advise the Department on whether the ACH assessment process substantially complies with the SEARs. Our review has identified key matters that must be addressed in order for Heritage NSW to provide advice regarding project approval. These are outlined below.



Aboriginal cultural heritage assessment process

In relation to the Aboriginal cultural heritage assessment process, we note that:

- The provision of the ACHAR prepared by Austral Archaeology Pty Ltd (Austral) for 113–153 Aldington Road ('Dexus lands') (Appendix CC3), as a substitute for completing additional assessment and Aboriginal community consultation in relation to the current Amendment is not consistent with the Project SEARs.
- The provision of the Aboriginal Due Diligence Assessment prepared by Biosis Pty Ltd in relation to Telstra Services Upgrades (Appendix CC4) to support the Amendment report is not consistent with the Project SEARs. The process described in the *Due Diligence Code of Practice for the Protection of Aboriginal objects in New South Wales* (DECCW 2010) is not sufficient to assess the impacts on Aboriginal cultural heritage of Major Projects.

Please clarify roles and responsibilities surrounding the management of ACH within the overlapping Dexus portion of the Amendment development proposal area and ensure all Registered Aboriginal Parties (RAPs) are informed and consulted regarding this process.

Aboriginal community consultation

- Please provide evidence that all RAPs have been notified of the current form of the Amendment in relation to the incorporation of the Dexus lands within the Project area.
- Considering that there are two separate lists of RAPs who have registered an interest in the lands contained within the Amendment development proposal area (though not necessarily the current Edge Estate SSD Project), please clarify how you intend to manage Aboriginal community consultation for the duration of the Project.
- Heritage NSW notes that there appears to be a break in the consultation process with the RAPs. Under Heritage NSW guidelines, breaks in contact of more than six months may not constitute continuous consultation. Please clarify if consultation has remained ongoing since April 2022.

If you have any questions regarding these comments, please contact Marika Low, Senior Assessments Officer, at Heritage NSW on 0400 477 904 and marika.low@environment.nsw.gov.au.

Yours sincerely

Nicole Davis

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Manager Assessments

Heritage NSW

Department of Planning and Environment

As Delegate under National Parks and Wildlife Act 1974

11 December 2023