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Dear Mr. Heath,

Environmental Impact Statement (EIS) - Heritage NSW - Aboriginal Cultural Heritage - Upper South Creek Advanced Water Recycling Centre (SSI-8609189), (Canterbury-Bankstown, Fairfield, Liverpool, Penrith and Wollondilly Local Government Areas)

Thank you for your referral on 21 October 2021, inviting comments from the Heritage NSW on the above SSD proposal with respect to Aboriginal cultural heritage.

Heritage NSW understands that Sydney Water is planning to build and operate new wastewater infrastructure to service the South West and Western Sydney Aerotropolis Growth Areas. The proposed development will include a wastewater treatment plant in Western Sydney, known as the Upper South Creek Advanced Water Recycling Centre, and the associated treated water and brine pipelines. The project consists of a generally linear corridor that extends from Warragamba in the west to Lansdowne in the east and the Advanced Water Recycling Centre site, adjacent to the eastern bank of Wianamatta/South Creek in Kemps Creek. The project is approximately 32 kms in length and crosses the Canterbury-Bankstown, Fairfield, Liverpool, Penrith and Wollondilly Local Government Areas.

Heritage NSW has reviewed Appendix O of the EIS - the *Upper South Creek Advanced Water Recycling Centre, Aboriginal Cultural Heritage Assessment Report (ACHAR), Report Prepared for Sydney Water, Prepared by Kelleher Nightingale Consulting PTY LTD, June 2021*. The ACHAR outlined that the impact assessment area comprises the proposed development footprint (impact area) and additional adjacent areas, to provide flexibility for redesigning the impact area to avoid or minimise impact to Aboriginal cultural heritage. The archaeological assessment undertaken for the project has identified 15 Aboriginal sites and one area of potential archaeological deposit (PAD) within the impact assessment area. Where appropriate, archaeological test excavations under the *Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW (2010)* were undertaken to support the future management recommendations included in the ACHAR.

Heritage NSW notes that Sydney Water has accommodated design changes to avoid and minimise impacts to Aboriginal sites, but not all impacts could be avoided. Early identification of sites allowed refinement of the impact area, to avoid and limit the impact on the remaining sites that had been subject to past and ongoing land use activities or fluvial processes. The impact area has been restricted where possible to areas with visible disturbance.

Heritage NSW recommends that all the mitigation measures for Aboriginal sites within the impact area (Section 9 - Mitigating Harm, Table 6, pp. 82 - 85 of the ACHAR), be implemented by Sydney Water.

With respect to Management Procedures, Heritage NSW further recommends that the Management Policy for Aboriginal Heritage, as outlined in Section 11 of the ACHAR (pp. 88 – 92), regarding the management and conservation of Aboriginal heritage in relation to salvage activities and construction activities, also be implemented by Sydney Water. Heritage NSW notes that this policy includes the following:

11.1 Responsibility for compliance with Management Policy

- Operational constraints
- Areas of Aboriginal archaeological sites and objects to be impacted
- Human Remains
- Salvage Activities
- Involvement of Aboriginal groups and/or individuals
- Conservation of salvaged Aboriginal objects
- Reporting requirements
- Notification and reporting about incidents that breach this management policy

11.2 Procedures for handling human remains

11.3 Procedure for proposed changes to Approved Projects

11.4 Changes in heritage impact

11.5 Process for continued consultation with Aboriginal stakeholders

Based on the assessment provided in the ACHAR, Heritage NSW supports all the recommendations with respect to mitigation of Aboriginal sites within the impact area and the Management Policy for Aboriginal Heritage as outlined in the ACHAR in relation to the project.

Should you require any further information, please contact Nicole Davis, Archaeologist, Aboriginal Cultural Heritage Regulation North, Heritage NSW at Nicole.davis@environment.nsw.gov.au

Yours sincerely



Dr. Samantha Higgs

Senior Team Leader

Aboriginal Cultural Heritage Regulation - North

Heritage NSW

Department of Premier and Cabinet

15 November 2021