



Our ref: DOC22/132641-5

Ms Sheelagh Laguna
Principal Planning Officer
Energy Resource Industry Assessments
Department of Planning and Environment
4 Parramatta Square
PARRAMATTA NSW 2150

By email: Sheelagh.Laguna@planning.nsw.gov.au

Dear Ms Laguna

Notice of Exhibition of application for Buronga Landfill Expansion (SSD-10096818)

Thank you for your referral dated 22 February 2022 inviting comments from Heritage NSW on the above State Significant Development (SSD) proposal.

The proposed development involves the expansion of the Buronga Landfill to develop a regional waste facility which can receive up to 100,000 tonnes of general waste per annum. We understand the proposed works include:

- Excavation of new landfill cells increasing the footprint from 19 ha to 40 ha,
- modified internal infrastructure and hardstands, and
- stormwater and leachate drainage works.

We have reviewed the exhibited EIS for Aboriginal cultural heritage (ACH) against the Secretary's Environmental Assessment Requirements (SEARs), issued by Heritage NSW on 28 October 2020 and SEARs issued by the Department of Planning Industry and Environment to the proponent on 11 November 2020.

The EIS does not yet meet the Secretary's requirements for ACH. Comments are requested to be addressed. An assessment summary is provided in **Attachment A** and detailed comments and recommendations are in **Attachment B**.

All plans required as a Condition of Approval that relate to ACH should be developed in consultation and to the satisfaction of Heritage NSW, to ensure that issues identified in this submission are adequately addressed.

We are unable to comment on the environmental or historic heritage component on the EIS. Please forward the relevant sections to heritage@heritage.nsw.gov.au , if a copy of the assessment has not already been provided.

If you have any questions regarding the above advice, please contact Lyndon Patterson, Senior Assessment Officer at Heritage NSW on 02 6022 0619 or Lyndon.Patterson@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kym McNamara'.

Kym McNamara

Senior Assessments Officer

Heritage NSW

Department of Premier and Cabinet

Date: 24 March 2022

ATTACHMENT A – Heritage NSW Assessment Summary for Buronga Landfill Expansion (SSD-10096818)
ATTACHMENT B – Detailed comments on ACH assessment for Buronga Landfill Expansion (SSD-10096818)

ATTACHMENT A Heritage NSW Assessment Summary for Buronga Landfill Expansion (SSD-10096818)

Key Issues

1	<i>Issue</i>	<p>In AHIMS, site 46-3-0192 is listed as valid. The report states the object has already been harmed by the previous construction of a borrow pit under AHIP C0002579 / 4081.</p> <p>Recommended actions / options:</p> <ul style="list-style-type: none"> • If site 46-3-0192 was harmed under AHIP C0002579, the AHIP holder Wentworth Shire Council or their consultant Landskape on their behalf will need to complete and submit an Aboriginal Site Impact Recording Form to AHIMS, which will switch the site to destroyed. • If site 46-3-0192 has not been destroyed under AHIP C0002579, it will need to be managed under the current EIS. • We request the applicant respond to this item and any actions taken in the response to submissions.
	<i>Extent and Timing</i>	Pre-determination
2	<i>Issue</i>	<p><u>Notification of Aboriginal objects</u></p> <p>Recommended action:</p> <ul style="list-style-type: none"> • Regarding recommendation dot point 2 on page 41 of the ACHAR, in addition to what is specified in this recommendation, if previously unknown Aboriginal objects are identified during works, Heritage NSW must be notified via a record submitted to AHIMS in accordance with s89A of the <i>National Parks and Wildlife Act 1974</i>.
	<i>Extent and Timing</i>	Pre-determination

Aboriginal cultural heritage advice

1.1 Is the 'baseline' for impact assessment reasonable? Generally yes

The baseline impact assessment for ACH is reasonable and it has generally been prepared in accordance with the SEARs issued. Responses are required on two comments to ensure SEARs have been fully addressed.

1.2 Are predictions of impact robust (and conservative) with suitable sensitivity testing? Yes

Predictions for ACH are articulated in the Aboriginal cultural heritage assessment report (ACHAR) and are generally robust.

1.3 Has the assessment considered how to avoid and minimise impacts? Yes

The ACHAR states three Aboriginal objects identified during assessment for the EIS will be avoided by the proposed works.

1.4 Does the proposal include all reasonably feasible mitigation options? Yes

No harm to Aboriginal objects is proposed and measures have been recommended to avoid harm if unexpected finds are identified. The ACHAR proposes preparation of an Heritage Management Plan which will detail measures to avoid harm during construction and operation.

**1.5 Is the assessed impact acceptable within Heritage NSW's policy context?
Largely**

The ACHAR has been prepared in accordance with the SEARs issued which specify identification of cultural heritage values in in accordance with the:

- Code of Practice for Archaeological Investigation in NSW (OEH 2010), and be guided by the
- Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales (DECCW 2011), and
- consultation undertaken in accordance with Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010).

The proponent is requested to review the comments in this correspondence and prepare a response.

1.6 Confirmation of statements of fact

The ACHAR prepared (Landscape, 2021) is generally factual and includes a detailed environmental background and review of previous assessment work in the local area.

1.7 Elements of the project design that could be improved

No comments at this time.

ATTACHMENT B Detailed comments on Aboriginal cultural heritage assessment for Buronga Landfill Expansion (SSD-10096818)

The following reports were considered in our assessment on ACH:

- *Buronga Landfill Expansion Aboriginal Cultural Heritage Assessment (ACHAR)*, Landskape, 18 September 2021.
- *Buronga Landfill Expansion Environmental Impact Statement*, Tonkin, 25 January 2022

Comments on the ACHAR

Aboriginal object management

The ACHAR identified four Aboriginal objects in the area of the proposal. The ACHAR states three objects, all stone artefacts (46-3-0203, 46-3-0204 and 46-3-0205) identified during the current assessment will be avoided by the works (Landskape, 2021:37). The ACHAR states that “harm must be avoided by erecting permanent protective barrier fences around the sites and ensuring the fences are properly maintained” and that “personnel must be directed not to enter fenced areas except to complete appropriate land management including maintenance and weed control” (2021:39). Heritage NSW considers these measures will assist in avoiding harm to Aboriginal objects identified.

A fourth Aboriginal object (46-3-0192) was recorded in the area of the proposal during an earlier assessment. Aboriginal Heritage Impact Permit (AHIP) C0002579 (AHIMS permit ID: 4018) was issued to Wentworth Shire Council for Buronga Borrow Pits on 30 March 2017 for movement and harm of 46-3-0192. This AHIP was valid for one year and has since expired.

In AHIMS, site 46-3-0192 is listed as valid. The ACHAR states the object has already been harmed by the previous construction of a borrow pit under AHIP C0002579 / 4081 (2021:35).

If site 46-3-0192 was harmed under AHIP C0002579 the AHIP holder Wentworth Shire Council or their consultant Landskape on their behalf will need to complete and submit an Aboriginal Site Impact Recording Form to AHIMS, which will switch the site to destroyed. If site 46-3-0192 has not been destroyed under AHIP C0002579, it will need to be managed under the current EIS. We request the applicant respond to this item and any actions taken in the response to submissions.

A copy of the Aboriginal Site Impact Recording Form is on Heritage NSW's website: <https://www.heritage.nsw.gov.au/assets/SiteImpactRecordingForm2020-v2.pdf>

Notification of Aboriginal objects

Regarding recommendation dot point 2 on page 41 of the ACHAR, in addition to what is specified in this recommendation, if previously unknown Aboriginal objects are identified during works, Heritage NSW must be notified via a record submitted to AHIMS in accordance with s89A of the *National Parks and Wildlife Act 1974*.

Recommended conditions of approval

We recommend that should a proposal be approved, prior to the commencement of construction, a Heritage Management Plan be prepared to the satisfaction of DPE, in consultation with Heritage NSW and Registered Aboriginal Parties.

The Applicant must ensure the development does not cause any direct or indirect impacts on Aboriginal heritage items 46-3-0203, 46-3-0204 and 46-3-0205 or Aboriginal heritage items located outside the approved development footprint.