

Our ref: HMS ID 9394

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Department of Planning, Housing and Infrastructure
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Letter uploaded to the Major Projects Planning Portal

Advice on Environmental Impact Statement – State Significant Development

Proposal: 43-61 Turner Road Data Centre

Major Project reference: SSD-68013714

Received: 3 March 2025

Dear Shaun,

Thank you for your referral seeking advice on the above State Significant Development proposal. It is understood that the applicant is seeking approval for the construction of a data storage centre at 43-61 Turner Road, Gregory Hills. It is further understood that a separate development application (DA) covering the site preparation works and early works that relate to the future industrial use of the site as a data storage centre has been lodged with Camden Council (DA/2024/616/1). Ground disturbance works including vegetation clearing and bulk earthworks are proposed to occur under the DA pending approval from Camden Council.

In preparing this advice Heritage NSW has reviewed the following documents:

- Relevant sections of the Environmental Impact Statement: 43-61 Turner Road Data Centre – prepared by Arup Pty Ltd, dated February 2025
- Appendix S: Aboriginal Cultural Heritage Assessment Report – 43-61 Turner Road, Gregory Hills – prepared by Artefact Heritage and Environment, dated 31 October 2024

The Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared with reference to the relevant guidelines as required by the Secretary's Environmental Assessment Requirements (SEARs). The ACHAR outlines that the project area has been subject to numerous archaeological assessments (including surveys and test excavations) which have resulted in one registered Aboriginal site (AHIMS 52-2-3557) and no areas of potential archaeological deposit (PAD) being located within the current project area. The ACHAR goes on to state that the artefacts comprising AHIMS 52-2-3557 were collected by the previous landowner prior to the involvement of the current proponent, effectively destroying the site. The ACHAR then concludes that "As no valid AHIMS sites

or Aboriginal objects are present or likely to be present in the study area, the proposed works would have no impacts on Aboriginal heritage." As outlined in **Attachment A**, Heritage NSW requests additional information, including details in relation to AHIMS 52-3-3557, the collection of Aboriginal objects and a potential breach of the *National Parks and Wildlife Act 1974* (NPW Act), to inform our advice to the Department on the adequacy of the proposed management recommendations for Aboriginal cultural heritage.

Please note that the comments provided relate only to Aboriginal cultural heritage regulation matters. If you have any questions about this correspondence, please contact Marika Low, Senior Assessments Officer at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au

Yours sincerely,

Corey O'Driscoll

Corey O'Driscoll
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As Delegate under *National Parks and Wildlife Act 1974*

1 April 2025

Attachment A – Detailed Aboriginal cultural heritage advice

1. Potential compliance issue regarding AHIMS 52-3-3557

Heritage NSW understands the following:

- AHIMS 52-2-3557 was originally recorded by Jo McDonald Cultural Heritage Management in 2007 as an open artefact scatter located in a rear paddock at 61 Turner Road.
- In May 2021, Artefact Heritage Pty Ltd (Artefact) completed a preliminary Aboriginal Archaeological Survey Report for land which comprised the present study area. The preliminary findings of that report found that registered Aboriginal site AHIMS 52-2-3557 was located within the 2021 study area.
- Test excavation in the vicinity of AHIMS 52-2-3557 were undertaken in 2022 by Austral Archaeology (Austral). No subsurface artefacts were identified indicating that the site is limited to a surface scatter. In relation to the status of AHIMS 52-2-3557, Austral reference the preliminary Aboriginal Archaeological Survey Report prepared by Artefact stating the following:
“Artefact (2021, p.25) indicate AHIMS # 52-2-3557 location is on a gently sloping landform bisected by an unnamed water course. They note that during their surveys no artefacts were identified as [t]hey had been collected by the property owner. The date on which this occurred is unknown. Visual assessment of AHIMS # 52-2-3873 identified it to be intact except for isolated disturbance resulting from the construction of the house on the property. Artefact states that the original test excavation report indicates the possibility of a higher density sub-surface assemblage associated with the site in its vicinity. No surface artefacts were identified during Artefact’s surveying (Artefact Heritage Pty Ltd 2021, p.27)”. (Austral 2022: 34)
- The current ACHAR prepared by Artefact for SSD-68013714 states that *"further investigation has determined that the artefacts comprising AHIMS ID 52-2-3557 were previously collected and no other artefacts associated with this site have been identified during the surveys or test excavations that have occurred within this site. As such, AHIMS ID 52-2-3557 has been destroyed, and its site card in AHIMS has been updated to reflect this."*
- Artefact submitted a site card update to AHIMS for AHIMS 52-3-3557 on 27/09/2024 to change status to 'Destroyed'.

Heritage NSW requests additional information in relation to AHIMS 52-3-3557 including:

- a. Further details regarding the investigation and circumstances which lead to the conclusion that the artefacts from AHIMS 52-3-3557 were collected by the previous landowner. Noting that Austral refer to Artefact’s 2021 assessment for evidence that the artefacts were collected.
- b. Confirmation on whether the location of the collected artefacts is known.
- c. Confirmation on whether, upon realising that the artefacts had been collected by the landowner, Artefact reported the incident to the Enviroline as a potential breach of the *National Parks and Wildlife Act 1974* (NPW Act) under Section 86.

Depending upon the outcomes of the above, the collection and removal of Aboriginal objects without prior consent from Heritage NSW may be in breach of the NPW Act and must be reported to the Enviroline.

2. Registration of untested area of PAD referred to as 'TR PAD 01'

Artefact state that the finalised Aboriginal Archaeological Survey Report in January 2022 included revisions to the location and extent of TR PAD 01, which mean that the PAD was not subject to test excavations during the testing program completed by Austral. While the revised location places the PAD outside of the current project area, Heritage NSW requests that the revised location of the untested area of PAD be lodged with the Aboriginal Heritage Information Management System (AHIMS) in accordance with Section 89A of the NPW Act to ensure that the untested PAD is adequately assessed where any future works are proposed in that area.

3. Consultation log and documentation

Please provide a copy of the consultation log and consultation documents for our records and review. We note that there appear to be errors with the links provided in Appendix B of the ACHAR which prevent Heritage NSW from viewing and/or downloading these records.