

Our ref: HMS ID 10194

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Letter uploaded to the Major Projects Planning Portal

Advice on Response to Submission – State Significant Development

Proposal: Waste Management Facility Botany

Major Project reference: SSD-62855708

Received: 28 April 2025

Dear Sally,

Thank you for your referral seeking advice for the above State Significant Development Response to Submissions. Thank you for the continued opportunity to comment on the project.

Our previous advice on the Environmental Impact Statement (EIS) and Aboriginal Cultural Heritage Assessment Report (ACHAR) requested confirmation that the '2-4 Hale Street PAD 01' has been registered on the Aboriginal Heritage Information Management System (AHIMS) based on the results of the assessment. Further, to evaluate whether the proposed investigation program is adequate to mitigate the predicted impacts of the project, Heritage NSW requested that an archaeological excavation methodology (with detailed plans showing proposed excavation locations) be provided as a component of the ACHAR.

The responses provided by Element Environmental, including the 'C&D Waste Transfer Facility, Botany, Aboriginal heritage Test Excavation Methodology' prepared by Artefact Heritage and Environment, dated January 2025 (Appendix I of the Submissions Report), have adequately addressed previous comments provided by Heritage NSW on Aboriginal cultural heritage matters related to the above State Significant Development. Recommended Draft Conditions of Approval have been provided in **Attachment A**. With respect to Aboriginal cultural heritage, Heritage NSW has no further comments on the proposal at this time.

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,

Alison Lamond

Alison Lamond
A/Strategic Manager
Major Projects
Heritage NSW
Department of Climate Change, Energy, the Environment and Water
6 May 2025

Attachment A – Recommended draft conditions for Aboriginal cultural heritage

Below are our recommended draft conditions for the protection of Aboriginal heritage.

Aboriginal Heritage

1. All reasonable steps must be taken to avoid harm, modification, or other impact to Aboriginal objects except as authorised by this approval.
2. The Registered Aboriginal Parties must be kept informed about the SSD. The Registered Aboriginal Parties must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the SSD.

Aboriginal Cultural Heritage Management Plan

3. Prior to further contamination testing within the project area and prior to carrying out any development, the Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:
 - a. be prepared by suitably qualified and experienced persons;
 - b. be prepared in consultation with Registered Aboriginal Parties and be reviewed by Heritage NSW;
 - c. include a description of the measures that would be implemented for:
 - i. ongoing consultation with Registered Aboriginal Parties, including consultation regarding changes to the management of Aboriginal cultural heritage.
 - ii. a sub-surface archaeological investigation program to be undertaken within 2-4 Hale PAD 01 prior to the commencement of the proposed development works, including identification of triggers for when archaeological investigation is required and at what stages of the development.
 - iii. a contingency plan and reporting procedure for the management of Unexpected Heritage Finds that is prepared by suitably qualified and experienced heritage specialist in relation to Aboriginal cultural heritage, in consultation with the Registered Aboriginal Parties and in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (2010). The Unexpected Heritage Finds Procedure, as submitted to the Planning Secretary, must be implemented for the duration of construction.
 - iv. a contingency plan and reporting procedure for the management of Unexpected Human Remains that is prepared by suitably qualified and experienced heritage specialist. The Unexpected Human Remains Procedure, as submitted to the Planning Secretary, must be implemented for the duration of construction.
 - v. ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions.