

Our ref: HMS ID 10390

Thomas Bertwistle
Department of Planning, Housing and Infrastructure
Thomas.Bertwistle@planning.nsw.gov.au

Letter uploaded to the Major Projects Planning Portal

Advice on Response to Submission – State Significant Development

Proposal: Wallgrove Business Hub

Major Project reference: SSD-50972718

Received: 13 May 2025

Dear Thomas,

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) requested additional information in relation the location and extent of Aboriginal heritage sites and the Aboriginal community consultation completed for the project to inform our advice to the Department on whether the Aboriginal Cultural Heritage Assessment Report (ACHAR) adequately addresses the Secretary's Environmental Assessment Requirements (SEARs) for the project, including the associated recommendations for the management of Aboriginal cultural heritage.

An updated ACHAR prepared by Artefact and dated April 2025 has been provided as Appendix 11 to the Submissions Report. While the updated ACHAR has addressed some of our previous comments Heritage NSW recommends that Planning request that the applicant address the following outstanding matters prior to project approval:

1. Wallgrove Business Hub PAD01 (AHIMS 45-5-5738)

Our previous advice requested clarification regarding the location and extent of AHIMS 45-5-5738 as various previous archaeological assessments present different mapped extents of this potential archaeological deposit (PAD), with some indicating that the PAD may extend into the current impact area. In the absence of test excavation data, where a change in PAD extent is proposed, adequate justification for refining/changing the extent must be provided. The updated ACHAR still does not provide adequate justification for the change in extent, nor does it provide certainty in terms of potential impacts from the project.

We further note that the impact assessment presented in Section 12 indicates that there is potential for impacts to Aboriginal cultural heritage from the proposed works with Table 12 indicating that there is a 30% risk of 'Disturbance of Aboriginal Objects and Sites' and a 25% risk of impact to 'Subsurface Archaeological Deposits'. The precautionary principle states that where there are threats of serious or irreversible environmental damage, lack of scientific confidence should not be used as a reason for postponing measures to prevent environmental degradation.

We therefore reiterate our request that adequate justification be provided for the proposed change in PAD extent. Where adequate justification cannot be provided, a test excavation program will be required to investigate the nature, extent and significance of AHIMS 45-5-5738 and provide clarity regarding potential impacts to Aboriginal cultural heritage from the project. As standard practice, Heritage NSW requires that test excavations be undertaken prior to project approval to ensure that the significance of sites are understood, and that all cultural values are properly assessed and managed.

2. Aboriginal community Consultation

Heritage NSW notes that the unredacted copy of the updated ACHAR provided with the RTS does not contain a consultation log or consultation records. We therefore reiterate our request for the provision of consultation records relating to Stage 4 review of the Draft ACHAR by Registered Aboriginal Parties (RAPs). Specifically, please provide:

- a. Evidence that the Stage 4 draft ACHAR was provided to all RAPs for review and comment and copies of any responses received.
- b. Evidence of any project updates sent to RAPs to ensure that consultation for the project remains active/continuous, noting that the summary of the consultation process provided in Section 3 of the report indicates that last date of consultation was 8 December 2023.

Evidence of the above-mentioned correspondences are required to assist in Heritage NSW's evaluation of the adequacy and completeness of the consultation process. This evidence can comprise of copies of all dated email records with all relevant email addresses shown and may be provided separately to Heritage NSW for our review/records.

For future reference, when responding to requests for additional information as part of a response to submissions, please include an itemised table which outlines how each comment has been addressed and indicates where each comment has been addressed in the report (where relevant).

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
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