

Our ref: HMS ID 10399

Shaun Williams
Department of Planning, Housing and Infrastructure
shaun.williams@planning.nsw.gov.au

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Advice on Environmental Impact Statement – State Significant Development

Proposal: Glendenning Road Data Centre

Major Project reference: SSD-73761707

Received: 14 May 2025

Dear Shaun,

Thank you for your referral seeking advice on the above State Significant Development proposal.

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

- Relevant sections of the Environmental Impact Statement: Glendenning Road Data Centre – prepared by Willottree Planning Pty Ltd, dated 18 March 2025
- Appendix 27: Aboriginal Cultural Heritage Assessment Report – Glendenning Road Data Centre, 2 Glendenning Road, Glendenning NSW – prepared by Virtus Heritage Pty Limited, dated February 2025
- Appendix 29: Archaeological Assessment – Glendenning Road Data Centre, 2 Glendenning Road, Glendenning NSW – prepared by Virtus Heritage Pty Limited, dated February 2025
- Appendix 27.1: Archaeological Research Design and Methodology: Glendenning Road Data Centre, 2 Glendenning Road, Glendenning NSW – prepared by Virtus Heritage Pty Limited, dated February 2025

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 six registered Aboriginal sites are located within the project area and further Aboriginal objects are likely in both disturbed and intact contexts. It is understood that the design has sought to minimise impacts to Aboriginal sites by locating buildings, hardstand surfaces and disturbance works largely outside of areas of high and medium archaeological potential where feasible. The impact assessment presented indicates that the proposed activity will directly

and indirectly impact on known Aboriginal sites and areas of low, moderate and high archaeological potential. Heritage NSW provisionally supports the proposed management and mitigation measures that have been developed to avoid, minimise and mitigate harm to known and likely Aboriginal objects and heritage values (Section 8 of the ACHAR and Appendix 27.1), however, we recommend that Planning request that the applicant address the following comments prior to considering project approval:

Aboriginal community consultation

1. Section 3 of the ACHAR states that “*All consultation with Registered Aboriginal Parties undertaken by LCI Consultants and Virtus Heritage is documented in greater detail in Appendix B*”, however, Appendix B has not been provided. Please provide a copy of the consultation log and all consultation documentation including:
 - a. Evidence that the Stage 1 letter requesting registration of interest in the project was sent out to all potential Aboriginal cultural heritage knowledge holders (groups or individuals) who were identified during the stage 1 Agency notification process.
 - b. Evidence that the Stage 2/3 Project information and assessment methodology was provided to all registered Aboriginal parties (RAPs).
 - c. Evidence that the Stage 4 draft ACHAR and Draft Archaeological Research Design and Methodology (ARDM) was provided to all RAPs.
 - d. Copies of all RAP responses received in relation to the above consultation.

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/or delivery / read receipts and may be provided to Heritage NSW separately for our review/records.

Aboriginal sites, areas of potential and impact assessment

2. The ACHAR does not define the boundary/extent of Aboriginal sites within and/or overlapping with the Project area. While we understand that Aboriginal site boundaries are somewhat arbitrary, without defining individual site extents it is unclear how it can be determined that a site will be subject to total harm versus partial harm, how exclusion zones will be established in relation to Aboriginal sites and how unimpacted areas of high and moderate Aboriginal archaeological potential will be recorded and managed beyond the life of the current project. To address this:
 - a. Please define site boundaries and clarify how they have been determined as per Requirements 6 and 7 of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (Code of Practice; DECCW 2010).
 - b. Please update Figure 9 (Updated Areas of Archaeological Potential and Sites Recorded During Survey) or provide a new figure which includes polygons of all Aboriginal sites (both valid and destroyed) across the project area to provide greater clarity regarding the association between sites and the areas assessment to be of moderate and high potential and to support the impact assessment presented which indicates partial harm to some sites and total harm to others.
 - c. Please clarify how the unimpacted areas of high and moderate Aboriginal archaeological potential will be recorded and managed beyond the life of the current project. For example,

will these untested areas of 'Moderate' and 'High' potential be registered on the Aboriginal Heritage Information Management System (AHIMS) as Potential Archeologically Deposits [PAD] and/or will existing site cards be updated to include the updated sensitivity mapping (i.e. capture these areas of potential within the exiting registrations).

Management and Mitigation Measures

3. Please update the impact assessment in the ACHAR (i.e. 'Summary of Likely Harm' sub-table in Table 7) and in the Archaeological Assessment (i.e. Tables 17 and 18 in Section 9.3) to identify whether AHIMS 45-5-0474 will be subject to direct/indirect and total/partial harm in accordance with Requirement 11 of the Code of Practice. We note that the registered point location for the site is ~3.5m south of the project boundary however, information presented in the Archaeological Assessment indicates that the area of moderate potential identified across 'Survey Unit 3' may be attributed to AHIMS 45-5-0474 as the only registered Aboriginal site associated with Survey Unit 3 (see Table 14, Figure 26 and Figure 53).
4. Please update Section 5.2 of the Archaeological Research Design and Methodology (ARDM) to provide additional information relating the timing, process and roles and responsibilities surrounding the identification/definition of exclusion zones. For example, at what stage will it be possible to define exclusion zones to provide certainty over whether an area/Aboriginal site will be impacted or avoided, how will the exclusion zone/s be mapped (i.e. will this be in the form of an updated impact assessment following provision of final designs or will this occur in the field at the time of preparing to undertake works) and who will be responsible for defining exclusion zones.
5. Please provide additional information in relation to the location of the proposed historical archaeological excavations (as mentioned on pg.27 of the ARDM) and how they interact with the areas of Aboriginal archaeological sensitivity and known Aboriginal sites identified in the ACHAR. For example, are the proposed historical excavations only located in areas assessed to be of low Aboriginal archaeological potential and hence no Aboriginal archaeological testing is required/proposed. Where historical test excavations are proposed within areas of moderate or high Aboriginal archaeological potential, additional consideration of the suitability of proposed management measures may be required.

Please note that the above comments 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
As Delegate under *National Parks and Wildlife Act 1974*
11 June 2025