



Our ref: DOC20/666429

Ms. Ania Dorocinska  
Senior Environmental Assessment Officer  
Industry Assessments  
Department of Planning, Industry and Environment

By email: [ania.dorocinska@planning.nsw.gov.au](mailto:ania.dorocinska@planning.nsw.gov.au)

Dear Ania

**Advice regarding Environmental Impact Statement – State Significant Development - Sydney Business Park – Stage 3 – Blacktown LGA (SSD – 10477)**

Thank you for your referral dated 14 August 2020, inviting comment from Heritage NSW (HNSW) in relation to the Environmental Impact Statement, prepared for the proposed Sydney Business Park, Stage 3 Kemps Creek Warehouse, Logistics and Industrial Facilities Hub, 657-769 Mamre Road, Kemps Creek, NSW.

HNSW has reviewed all the Aboriginal heritage information supplied for the Kemps Creek Warehouse development, including the *Stage 3 Facilities, Sydney Business Park Environmental Impact Statement*, August 2020, prepared by PJEP Environmental Planning Pty Ltd, and *Appendix L: Assessment of Impact on Aboriginal Cultural Heritage*, dated 31 July 2020, prepared by Kelleher Nightingale Consulting Pty Ltd.

To be in accordance with the SEARs for the project, the environmental impact assessment must identify and describe the Aboriginal cultural heritage values that exist across the whole area that will be affected by the development and document these in an Aboriginal Cultural Heritage Assessment Report (ACHAR). The identification of cultural heritage values must be conducted in accordance with the *Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW* (OEH 2010) and guided by the *Guide to investigating, assessing and reporting on Aboriginal Cultural Heritage in NSW* (DECCW 2011). It is important to note that surface disturbance does not exclude the existence of subsurface Aboriginal objects.

HNSW understands that the Sydney Business Park, Stage 3 project area was subject to previous archaeological assessment in 2009 by Kelleher Nightingale Pty Ltd, the results of which form the basis for the 2020 assessment of impact on Aboriginal cultural heritage, prepared as part of the EIS for the project. The 2020 report indicates that a 'targeted consistency assessment of the 2009 assessment is being completed in consultation with Aboriginal stakeholders' (Kelleher Nightingale 2020:3). HNSW is not satisfied that the 2020 Assessment of Impact report and the 'targeted consistency assessment' being prepared will satisfy the projects SEARs.

As per HNSW advice dated 16 July 2020, any Aboriginal cultural heritage assessment undertaken prior to 2010 would unlikely meet current Heritage NSW Aboriginal cultural heritage guidelines for the assessment of Aboriginal cultural heritage in NSW, specifically the

*Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011).

In accordance with the SEARs for the project, impacts on Aboriginal cultural heritage values must be assessed and documented in an ACHAR. The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the ACHAR must outline measures proposed to manage and mitigate impacts.

The 2020 assessment indicates that consultation with the Aboriginal community regarding the project has commenced and that further consultation with the Registered Aboriginal Parties is ongoing as per the *Aboriginal cultural heritage consultation requirements for Proponents* (ACHCRs) (DECCW, 2010). HNSW recommends that full community consultation process requirements be completed and input from Registered Aboriginal Parties be documented in accordance with the ACHCRs (DECCW, 2010). Evidence of community consultation must be provided in the ACHAR to demonstrate all requirements under the ACHCRs have been fulfilled.

If you have any questions regarding the above advice, please contact Rebecca Yit, Archaeologist at Heritage NSW, on 4927 3244 or [rebecca.yit@environment.nsw.gov.au](mailto:rebecca.yit@environment.nsw.gov.au)

Yours sincerely



**Dr Samantha Higgs**  
**Senior Team Leader**  
**Aboriginal Cultural Heritage Regulation - North**  
**Heritage NSW**

Date: 9 September 2020