

Our ref: HMS ID 11487

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Letter uploaded to the Major Projects Planning Portal

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## Advice on Additional Information – State Significant Development

**Proposal:** Warnervale Town Centre – Woolworths – Mod 2 – Reduce floor space and change parking and land uses

**Major Project reference:** MP10\_0195-MOD-2

**Received:** 14 August 2025

Dear Ryan,

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

Our previous advice on the Response to Submissions for the Modification Report requested that the applicant provide additional information regarding the proposed management strategies that have been developed in consultation with Registered Aboriginal Parties (RAPs) to mitigate harm to 'Hakone Road Isolated Artefact 1' (AHIMS #45-3-4994) and 'Hakone Road Artefact Scatter 1' (AHIMS #45-3-4995) as required by Stage 2.7 of the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011) (letter dated 25 June 2025; ref: HMS 10813).

The Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared by Austral Archaeology Pty Ltd, dated 4 July 2025, has been updated to include additional detail regarding the proposed management of Aboriginal cultural heritage sites within the proposal area. Based on this additional information, Heritage NSW understands the following:

- Hakone Road Artefact Scatter 2 (AHIMS #45-3-4996) will be avoided. The site will be fenced off during the completion of the proposed works to ensure no inadvertent harm.
- Due to the low density and low archaeological significance of 'Hakone Road Isolated Artefact 1' (AHIMS #45-3-4994) and 'Hakone Road Artefact Scatter 1' (AHIMS #45-3-4995), no further works are proposed at these sites, the locations of which will be subject to unmitigated harm.
- A Care and Control Agreement with RAP Tracey Howie (Director, Wannangini) is now proposed for the long-term management of the Aboriginal objects recovered from the previous test excavation

within Hakone Road Isolated Artefact 1 (AHIMS #45-3-4994), Hakone Road Artefact Scatter 1 (AHIMS #45-3-4995), and Hakone Road Artefact Scatter 2 (AHIMS #45-3-4996). This contrasts with the previous ACHAR which proposed reburial of artefacts within or nearby the project area.

While the additional information provided has partially addressed the outstanding matter, no evidence has been provided to demonstrate that the proposed management measures and, specifically, the proposed change in strategy for the long-term management of artefacts recovered during the testing program, was developed in consultation with all RAPs. As mentioned in our previous advice, it is a requirement of Stage 2.7 of the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011) that all RAPs are provided with the opportunity to have input into the development of these management measures. We therefore recommend that the Department of Planning, Housing and Infrastructure (DPHI) request that the applicant please provide the following:

1. Evidence that all RAPs have been consulted regarding the proposed management strategies, including the proposed long-term management of Aboriginal objects recovered during the previous test excavations. This evidence can comprise of copies of dated email records (sent to and received from RAPs) with all relevant email addresses shown and may be provided to Heritage NSW separately for our review/ records. Copies of all responses received must also be provided along with an outline of how any comments have been addressed (where relevant).

On the basis that it can be adequately demonstrated that all RAPs were consulted, Heritage NSW has provided recommended draft modified conditions for Aboriginal cultural heritage in **Attachment A**.

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](mailto:heritagemailbox@environment.nsw.gov.au)

Yours sincerely,

*Corey O'Driscoll*

Corey O'Driscoll

A/Practice Lead

Major Projects

Heritage NSW

Department of Climate Change, Energy, the Environment and Water

As Delegate under *National Parks and Wildlife Act 1974*

21 August 2025

## Attachment A - Recommended draft modified conditions for Aboriginal cultural heritage

Heritage NSW recommends the following modifications to the conditions for Aboriginal cultural heritage should the modification application be approved.

‘D8 Aboriginal Cultural Heritage’ is modified to include the following additional condition:

e) Prior to carrying out any development, the Applicant must prepare an Aboriginal Cultural Heritage Management Plan (ACHMP) for the development to the satisfaction of the Secretary. This plan must:

- i. be prepared by a suitably qualified and experienced person.
- ii. be prepared in consultation with the Registered Aboriginal Parties and be reviewed by Heritage NSW.
- iii. include a description of the measures (and associated methodologies) that would be implemented for:
  - a. protecting Aboriginal objects within the project area, where required, or items located outside the approved development footprint, including fencing off the Aboriginal objects prior to commencing construction noting that no harm is permitted to ‘Hakone Road Artefact Scatter 2’ (AHIMS #45-3-4996). This must include identification of appropriate protective buffers around the site boundary.
  - b. a strategy for the short-term and long-term management of any Aboriginal objects or material recovered from the project area (including those recovered during previous test excavations).
  - c. include updated mapping of all areas that have been and will be subject to mitigation measures such protective fencing.
  - d. include evidence that Aboriginal Site Impact Recording Form/s (ASIRFs) have been submitted to the Aboriginal Heritage Information Management System (AHIMS) registrar as soon as practicable for "Hakone Road Isolated Artefact 1 (AHIMS #45-3-4994) and Hakone Road Artefact Scatter 1 (AHIMS #45-3-4995) following unmitigated harm to these Aboriginal sites following development activities.
  - e. ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions.
  - f. ongoing consultation with RAPs during the implementation of the ACHMP.
  - g. include a contingency plan and reporting procedure for the management of Unexpected Heritage Finds and Human Remains Procedure prepared in relation to Aboriginal cultural heritage, with these measures to be prepared in accordance with the guidelines and standards specified by Heritage NSW, be implemented for the duration of the project and to include the requirement to register any newly identified Aboriginal objects or sites in the AHIMS database.

Following the Planning Secretary’s approval, the Applicant must implement the ACHMP.