



Nicholas Gunn  
Department of Planning, Industry & Environment

Your reference: SSD-9440668  
Our reference: DOC20/806853  
Date: 2 October 2020

Response sent via Major Projects Portal

Dear Nicholas

**HERITAGE NSW – ABORIGINAL CULTURAL HERITAGE REGULATION  
SECRETARY'S ENVIRONMENTAL ASSESSMENT REQUIREMENTS (SEARS)**

**Project: Tallawong Primary School**  
**SSD application no: 9440668**

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Thank you for requesting our input on the draft Planning Secretary's Environmental Assessment Requirements (SEARs) for the above state significant project. Heritage NSW has reviewed the draft SEARs for the proposed development in relation to Aboriginal cultural heritage matters.

With regards to the draft SEARs and your questions about the appropriateness of using an Aboriginal cultural heritage assessment report (ACHAR) prepared at the strategic rezoning stage along with the results of a due diligence process, I provide the following advice:

- The ACHAR prepared should be specific to the proposal so that impacts of the proposed works on any Aboriginal heritage values of the land can be well understood.
- Consultation with the Registered Aboriginal Parties should be ongoing, transparent and current.
- The process described in the *Due Diligence Code of Practice for the protection of Aboriginal objects in NSW* (DECCW 2010) is not sufficient to assess the impacts on Aboriginal cultural heritage of Major Projects.

I recommend the SEARs provided in **Attachment A** be used as the minimum requirements in relation to Aboriginal cultural heritage for this project.

If you have any questions regarding these comments, please contact me on 9995 6824 and [sam.higgs@environment.nsw.gov.au](mailto:sam.higgs@environment.nsw.gov.au).

Yours sincerely

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

Enclosure – Attachment A: Recommended SEARs for Tallawong Primary School (SSD-9440668) Aboriginal Cultural Heritage

## ATTACHMENT A: HERITAGE NSW – Aboriginal Cultural Heritage - SEARs

**Project Name:** Tallawong Primary School

**SSD #:** 9440668

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1. The EIS 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). This may include the need for surface survey and test excavation. The identification of cultural heritage values must be conducted in accordance with the [Code of Practice for Archaeological Investigation in NSW](#) (OEH 2010), and be guided by the [Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales](#) (DECCW 2011)
2. Consultation with Aboriginal people must be undertaken and documented in accordance with the [Aboriginal Cultural Heritage Consultation Requirements for Proponents](#) (DECCW 2010). The significance of cultural heritage values for Aboriginal people who have a cultural association with the land must be documented in the ACHAR.
3. Impacts on Aboriginal cultural heritage values are to be assessed and documented in the ACHAR. The ACHAR must demonstrate attempts to avoid impact upon cultural heritage values and identify any conservation outcomes. Where impacts are unavoidable, the EIS must outline measures proposed to mitigate impacts. Any objects recorded as part of the assessment must be documented and notified to Heritage NSW.
4. The assessment of Aboriginal cultural heritage values must include a surface survey undertaken by a qualified archaeologist. The result of the surface survey is to inform the need for targeted test excavation to better assess the integrity, extent, distribution, nature and overall significance of the archaeological record. The results of surface surveys and test excavations are to be documented in the ACHAR.
5. The ACHAR must outline procedures to be followed if Aboriginal objects are found at any stage of the life of the project to formulate appropriate measures to manage unforeseen impacts.
6. The ACHAR must outline procedures to be followed in the event Aboriginal burials or skeletal material is uncovered during construction to formulate appropriate measures to manage the impacts to this material.

**NOTE: The process described in the *Due Diligence Code of Practice for the protection of Aboriginal objects in NSW* (DECCW 2010) is not sufficient to assess the impacts on Aboriginal cultural heritage of Major Projects.**