



**Office of  
Environment  
& Heritage**

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Your reference: SSD 7015  
Our reference: DOC16/105401  
Contact: Calvin Houlison  
4224 4179

Susan Fox  
Planning Officer  
Department of Planning and Environment  
GPO Box 39 SYDNEY NSW 2001  
E-mail: [susan.fox@planning.nsw.gov.au](mailto:susan.fox@planning.nsw.gov.au)

Dear Ms Fox

**RE: West Nowra Resource Recovery Facility EIS Exhibition (SSD 7015)**

Thank you for consulting the Office of Environment & Heritage with regard to the abovementioned State Significant Development (SSD) major project. We understand that the project seeks staged approval under Section 83B of the Environmental Planning & Assessment Act 1979 for the overall site masterplan and Stage 1 works, which include vegetation clearing and site infrastructure works. Approval of Stage 2 works which includes composting and materials recovery facilities, internal roads and associated site facilities is not sought at this time.

We have reviewed those sections of the EIS relating to:

1. Biodiversity assessment and offsetting
2. Aboriginal cultural heritage

As noted in our suggested SEARs, the approval authority will need to also be satisfied with any flooding issues, noting that it is in a top of catchment location. Shoalhaven City Council is considered to be appropriately placed to address any flooding issues in the EIS.

With regard to biodiversity, the SEARs require that biodiversity assessment and offsets be assessed in accordance with the NSW Biodiversity Offsets Policy for Major Projects and the Framework for Biodiversity Assessment (FBA). A Biodiversity Assessment Report (BAR) assessment and Biodiversity Offset Strategy (BOS) in accordance with the FBA are required to accompany SSD applications.

A completed BAR has been submitted, which incorporates pre-lodgement comments provided to the proponent by our office. As a result, we are satisfied with the content of the BAR and the proponent's assessment as submitted with the EIS. Although biodiversity offsets are briefly addressed in Section 12 of the BAR, Sections 11 and 12 of the FBA require that a full BOS be submitted and this is required in order to complete our assessment. The BOS should include at a minimum the information outlined at Table 22 in Appendix 7 of the FBA.

With regard to Aboriginal cultural heritage, the Aboriginal archaeological survey report (ASR) prepared by Artefact Heritage (2015) found that there are no known Aboriginal objects or areas of potential archaeological deposit within the subject area. The assessment process described by Artefact Heritage (2015) is sufficient and justifies the findings and recommendations of the report.

However, the EIS should be amended to include procedures to manage the discovery of unanticipated Aboriginal objects during both the construction and operation phases. This requires processes for informing OEH and consulting with the Aboriginal community. We recommend that the CEMP and OEMP (described in Section 21.2.2 of the EIS) include steps to take if unanticipated Aboriginal objects are discovered during operation of the waste facility. This procedure is outlined in further detail at Attachment A.

Section 10.2 of the ASR should be corrected to remove the recommendation to apply for an Aboriginal Heritage Impact Permit (AHIP) if Aboriginal objects are discovered. It is our understanding that under State Significant Development approvals an AHIP is not required. However, further archaeological investigations and Aboriginal community consultation will be required if Aboriginal objects are found.

Whilst the archaeological potential of the subject area is documented as low, given the proximity of the subject area to a recorded stone arrangement near the north western corner of the present waste facility (site number 52-5-0019), it is evident that the subject area is located in a broader Aboriginal cultural landscape. The cultural values of the area are likely to remain even if there are no archaeological features and despite historic land modifications. We note that Artefact (2015) consulted the Nowra Local Aboriginal Land Council in relation to this development and that the NLALC did not raise objections to the proposal.

Finally, if modifications are made to the development footprint in the future then the impact on Aboriginal objects and cultural heritage values must be reconsidered. We support the recommendations of Artefact Heritage (2015) for additional archaeological survey if the development footprint is expanded.

Please contact Calvin Houlison, Senior Conservation Planning Officer on 4224 4179 or via e-mail [calvin.houlison@environment.nsw.gov.au](mailto:calvin.houlison@environment.nsw.gov.au) should you have any further queries.

Yours sincerely



**CHRIS PAGE**  
**Senior Team Leader, Planning (Illawarra)**  
**South Branch**

Attachment A: Detailed Aboriginal Cultural Heritage Comments – Unanticipated Finds Procedure



## **ATTACHMENT A: DETAILED ABORIGINAL CULTURAL HERITAGE COMMENTS – UNANTICIPATED FINDS PROCEDURE – SSD 7015**

The construction and operational management plans must include the procedures to follow if Aboriginal objects are identified during the development and operation of the waste facility. Table 21.1 and Section 17.3 of the EIS need to be revised to include the appropriate process to follow if unanticipated Aboriginal objects are found.

If Aboriginal objects are discovered during works, the proponent must notify OEH. The proponent does not need to notify NPWS as stated in Table 21.1 of the EIS. The telephone contact number for OEH Environment Line is 131 555 and this should be listed in the EIS, CEMP and OEMP.

OEH must be contacted if either Aboriginal objects or human skeletal remains that are suspected to be Aboriginal ancestral remains are identified. The management requirements for these types of sites are different. The two processes are outlined below:

### **Aboriginal Objects**

If Aboriginal objects as defined under the National Parks and Wildlife Act 1974 are identified the following steps must be followed:

1. Stop work in the vicinity of the find.
2. Secure the location so that there is no further impact.
3. Notify OEH by calling Environment Line on 131 555.
4. Notify the Aboriginal community in accordance with a consultation protocol (see below).
5. A qualified archaeologist must assess the find. Management strategies must be developed that aim to conserve sites in the first instance and mitigate impact if conservation outcomes cannot be achieved. This may require additional community consultation and/or archaeological investigation.
6. Aboriginal objects must be recorded on the Aboriginal Heritage Information Management System (AHIMS) database as required under section 89A of the National Parks and Wildlife Act 1974. Any new site cards, site impact cards and archaeological reports must also be submitted to AHIMS. The contact details for AHIMS are below:
  - a. Phone: 9585 6380
  - b. Email: [AHIMS@environment.nsw.gov.au](mailto:AHIMS@environment.nsw.gov.au)
  - c. Postal address: Locked Bag 5020, Parramatta, NSW 2220.
7. Management of the Aboriginal object(s) must be discussed with the Aboriginal community and OEH. This must include determining long-term management strategies for the identified Aboriginal objects.

### **Human Skeletal Remains**

If human skeletal remains are located the following steps must be followed:

1. Immediately stop work in the vicinity of the human remains.
2. Do not further disturb or move the remains.
3. Notify NSW Police.
4. Notify OEH if the human remains are suspected to be Aboriginal ancestral remains by calling Environment Line on 131 555.
5. Notify the Aboriginal community in accordance with the consultation protocol.

Do not restart work in the vicinity of the remains until you have received written advice from OEH that work may proceed.

### **Aboriginal Community Consultation**

It is recommended that the proponent develop a protocol for how consultation with the Aboriginal community will be conducted if unanticipated Aboriginal objects are discovered during the operation of the facility.

The SEARs state that if Aboriginal cultural values are identified then Aboriginal community consultation must occur that complies with the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW 2010). It is recommended that the CEMP and OEMP state that consultation as per the Aboriginal cultural heritage consultation requirements for proponents 2010 will occur if Aboriginal objects or Aboriginal ancestral remains are identified during operation of the waste facility.

### **OEH Guidelines**

- Aboriginal cultural heritage consultation requirements for proponents 2010. DECCW 2010. Available online at:

<http://www.environment.nsw.gov.au/resources/cultureheritage/commconsultation/09781ACHconsultreq.pdf>