



Our ref: DOC21/690153
Your ref: SSD-11429726

David Glasgow
Principal Planning Officer
Industry Key Sites
Department of Planning, Industry and Environment
Email: david.glasgow@planning.nsw.gov.au

Advice provided via the Major Projects Portal

Dear Mr Glasgow,

Advice on Amendment Report – State Significant Development – Eden Street, Arncliffe Mixed Use Redevelopment (SSD-11429726)

Thank you for your referral on 30 July 2021 seeking advice on the proposal and recommended conditions for the above state significant development (SSD) proposal.

In preparing the following advice we have reviewed the following documents:

- Secretary's Environmental Assessment Requirements (SEARs) for SSD-11429726, issued 18 December 2020
- Aboriginal Cultural Heritage Assessment Report (ACHAR) – prepared by WSP Australia (WSP) Pty Ltd, (no date)
- Environmental Impact Statement (EIS) SSD 11429726 – Eden Street, Arncliffe Mixed Use Redevelopment – prepared by Ethos Urban, dated 19 July 2021

Heritage NSW has reviewed the ACHAR prepared by WSP. It is noted that the SEARs included the following with regard to Aboriginal cultural heritage matters:

- *an Aboriginal Cultural Heritage Assessment Report in accordance with relevant guidelines, identifying, describing and assessing any impacts for any Aboriginal cultural heritage values on the site, including archaeology.*

While we support the engagement undertaken with the Aboriginal community, we advise that the ACHAR submitted has not been prepared in accordance with the relevant guidelines, does not consider archaeological Aboriginal cultural heritage values and therefore does not meet the requirements of the SEARs.

Heritage NSW recommends that a complete ACHAR is prepared for the proposed development

Heritage NSW provides the following recommendations:

- 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 of Aboriginal objects in NSW](#) (DECCW 2010), and be guided by the [Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales](#) (OEH 2011).

- 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.
- 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.
- 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.
- 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.
- 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.

Heritage NSW recommends the recommendations of the ACHAR are incorporated into the management and mitigation measures of the EIS

Notwithstanding the need for an ACHAR to be submitted in line with the requirements outlined above, we advise that the EIS provides inaccurate advice for the management of unexpected finds in the Mitigation Measures table on page 72. Heritage NSW provides the following recommendations:

- References to chance finds of Aboriginal objects needs to include a direction to register the object(s) with AHIMS and consult with the Registered Aboriginal Parties on the most appropriate management protocols.
- The references to the need to obtain Aboriginal Heritage Impact Permits should be revised as these may not be relevant to approved SSD's.
- The EIS needs to incorporate the management and mitigation strategies recommended in the ACHAR.

If you have any further questions in relation to this matter, please contact Claire Rayner – Archaeologist, Aboriginal Cultural Heritage Regulation North, Heritage NSW on 9995 6824 or email at claire.rayner@environment.nsw.gov.au.

Yours sincerely



Jackie Taylor
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Heritage NSW
 23 August 2021