

Our ref: HMS ID 11815

Patrick Copas
Department of Planning, Housing and Infrastructure
patrick.copas@planning.nsw.gov.au

Letter uploaded to the Major Projects Planning Portal

Advice on Amendment Report – State Significant Development

Proposal: NEXTDC S4 Data Centre Horsley Park

Major Project reference: SSD-63741210

Received: 15 September 2025

Dear Patrick,

Thank you for your referral seeking advice on the above State Significant Development proposal.

In preparing this advice Heritage NSW has reviewed the following documents:

- Relevant sections of the Submissions and Amendment Report: NEXTDC S4 Data Centre, Horsley Park – prepared by Urbis Ltd, dated 3 September 2025
- Addendum to Aboriginal Cultural Heritage Assessment: SSD-63741210 – 16 Johnston Crescent, Horsley Park – prepared by Urbis Ltd, dated 27 August 2025

It is understood that since the exhibition of the Environmental Impact Statement (EIS) the original data centre proposal has been amended to respond to the submissions received which require the incorporation of HV connection works within the scope of the proposal. As the amendment includes proposed works in areas of land outside of that assessed in the original Aboriginal Cultural Heritage Assessment Report (ACHAR) an Addendum letter report has been prepared to consider the potential for harm to Aboriginal objects within the refined Subject Area, namely in association with the HV connection route. The additional desktop assessment and updated search of the Aboriginal Heritage Information Management System (AHIMS) concluded that no Aboriginal objects or values will be impacted by the amended proposal and that the recommendations of the ACHAR therefore remain valid for the updated proposed works, both within the original subject area and within the proposed HV connection route works. Heritage NSW agrees with this conclusion; however, we recommend that Planning request that the applicant address the following comment:

1. Please provide evidence that the Addendum letter report was provided to all Registered Aboriginal Parties (RAPs), confirm whether any comments were received and outline how these

have been addressed (where relevant). This evidence can comprise of copies of dated email records with all relevant email addresses shown and may be provided to Heritage NSW separately for our review/ records.

On the basis that the above comment is adequately addressed, recommendations in relation to Draft Conditions of Consent are included 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

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*
22 September 2025

Attachment A – Recommended draft conditions for Aboriginal cultural heritage

Below are our recommended draft conditions for the protection of Aboriginal heritage.

Aboriginal Heritage

1. All reasonable steps must be taken to avoid harm, modification, or other impact to Aboriginal objects except as authorised by this approval.
2. The Registered Aboriginal Parties must be kept informed about the SSD. The Registered Aboriginal Parties must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the SSD.
3. Prior to carrying out any development, the Applicant must ensure Aboriginal heritage management procedures are prepared for the development and included in the Project's Construction Environmental Management Plan (CEMP). The Aboriginal heritage management procedures must:
 - a. be prepared by suitably qualified and experienced persons;
 - b. be prepared in consultation with Registered Aboriginal Parties and be reviewed by Heritage NSW;
 - c. include a description of the measures that would be implemented for:
 - i. ongoing consultation with Registered Aboriginal Parties, including consultation regarding changes to the management of Aboriginal cultural heritage.
 - ii. a contingency plan and reporting procedure for the management of Unexpected Heritage Finds and Human Remains that is prepared by suitably qualified and experienced heritage specialist in relation to Aboriginal cultural heritage, in consultation with the Registered Aboriginal Parties and in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (2010). The Unexpected Heritage Finds and Human Remains Procedure, as submitted to the Planning Secretary, must be implemented for the duration of construction.
 - iii. ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions.