

Our ref: DOC24/595016

Shaun Williams

Senior Environmental Assessment Officer

Department of Planning, Housing and Infrastructure

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Letter uploaded to the Major Projects Planning Portal

Advice on Environmental Impact Statement – State Significant Development

Proposal: NEXTDC S4 Data Centre Horsley Park

Major Project reference: SSD-63741210

Received: 24 July 2024

Dear Shaun

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 Environmental Impact Statement: NEXTDC S4 Data Centre – 16 Johnston Crescent, Horsley Park – prepared by Urbis Ltd, dated 20 June 2024.
- Appendix U: Aboriginal Cultural Heritage Assessment Report – S4 Data Centre 16 Johnston Crescent Horsley Park NSW – prepared by Urbis Ltd, dated 18 June 2024.

The Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared with reference to the relevant guidelines as required by the Secretary's Environmental Assessment Requirements (SEARs). The ACHAR outlines that no previously recorded Aboriginal sites are located within the subject area and that, given the high levels of past ground disturbance due to quarrying and earthworks from the 1970s onwards, the Aboriginal archaeological potential of the entire subject area is assessed to be very low. The results of a geotechnical investigation within the subject area along with details from a visual site inspection completed with representatives of the Registered Aboriginal Parties are provided to support the assessment of the area as being of very low archaeological potential. The ACHAR concludes that no Aboriginal cultural heritage objects or values will be impacted by the proposal. Heritage NSW agrees with the conclusions presented in the ACHAR and supports the proposed management recommendations (Section 7 of the ACHAR).

Heritage NSW has provided recommendations in relation to Draft Conditions of Consent, as included in Attachment A.

If you have any questions regarding these comments, please contact Marika Low, Senior Assessments Officer, at Heritage NSW on 9873 8500 or heritagemailbox@environment.nsw.gov.au.

Yours sincerely

Nicole Davis

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Manager Assessments

Heritage NSW

Department of Climate Change, Energy, the Environment and Water

As Delegate under *National Parks and Wildlife Act 1974*

15 August 2024

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.