

## Francisco Medina Avina

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**From:** Francisco Medina Avina  
**Sent:** Wednesday, 14 September 2022 2:31 PM  
**To:** Nicole Davis  
**Cc:** Ben Hooper; Shaun Williams; Kym McNamara  
**Subject:** RE: Heritage NSW - Project Echidna - SSD-47320208 - Additional Aboriginal Cultural Heritage (ACH) advice - re SEARs.

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Nicole,

Thank you for your response and clarification below.

The EIS for the project and supporting documentation have been submitted to DPE last week. The submission includes a detailed response to Aboriginal Cultural Heritage as requested by the SEARs.

In addition, an ACHAR has been completed and approved in 2020 for the precinct planning associated with the project. This provided evidence that Aboriginal cultural heritage is not a matter for consideration for the site and project (as per the highlighted item in your email below).

We understand that DPE will be referring the SSDA to Heritage NSW once the adequacy review has been completed and the EIS progresses to assessment stage.

In the meantime, do not hesitate to contact me with any questions or comments.

Thank you.

Regards,

**Francisco Medina** (*he/him/his*)  
Senior Environmental Planner  
BIB, MEnvPlan, MPIA  
*My work days are Wednesday and Friday*

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**From:** Nicole Davis <Nicole.Davis@environment.nsw.gov.au>  
**Sent:** Friday, 2 September 2022 12:45 PM  
**To:** Francisco Medina Avina <Francisco.Medina-Avina@arup.com>  
**Cc:** Ben Hooper <Ben.Hooper@arup.com>; Shaun Williams <Shaun.Williams@planning.nsw.gov.au>; Kym

McNamara <Kym.McNamara@environment.nsw.gov.au>

**Subject:** Heritage NSW - Project Echidna - SSD-47320208 - Additional Aboriginal Cultural Heritage (ACH) advice - re SEARs.

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Dear Francisco,

In relation to your request re Project Echidna - SSD-47320208, and the Aboriginal Cultural Heritage (ACH) SEAR that recommends that an ACHAR be prepared, Heritage NSW provides the following advice. I have reviewed - *Project Echidna Waiver Request, Aboriginal Cultural Heritage Assessment Report (ACHAR), 27 July 2022*, and make the following comments and recommendations.

*I note that this memo has considered the potential impacts of the Proposal on Aboriginal cultural heritage values prescribed in the NPW Act and relevant heritage mapping database, including AHIMS and SHI. The Proposal would have no impact on these Aboriginal cultural heritage values.*

- How have those values been accessed without undertaking consultation with Aboriginal people and what are those values?

*I note that the memo states that - Based on the above Aboriginal heritage search, no known objects or places of Aboriginal heritage significance were identified within the site or immediate surrounds. The site is located within an established industrial area at Eastern Creek. Therefore, it is unlikely that objects or places of Aboriginal heritage significance would be impacted by the Proposal.*

- How was the this assessment of significance determined? There was no evidence of even a site survey being undertaken.

In conclusion, the memo states – *that in light of the above findings, it is requested that the Proposal be exempt for requiring preparation of an ACHAR.*

- There have been no findings presented, as no assessment in relation to cultural values and/or site survey has been undertaken.

Heritage NSW advises that for a limited number of SSD and SSI proposals, a preliminary and/or alternative assessment in relation to ACH may be considered adequate. Heritage NSW requires that a proponent justify this in writing, supported by a suitably qualified person.

**An ACHAR may not be required if the proposal involves:**

- work on an existing building or structure that does not exceed the current building footprint and does not involve disturbing the ground surface, and/or,
- development of a site where a recent Aboriginal cultural heritage assessment (ACHAR) has identified that Aboriginal cultural heritage is not a matter for consideration and Aboriginal community consultation has previously occurred according to the Consultation Requirements. This could include:
  - an ACHAR completed in the last five years (e.g. for precinct planning, Growth Centres, or planning proposals) provides evidence that Aboriginal cultural heritage is not a matter for consideration for the site and project
  - where an AHIP has been issued over the proposal area and Aboriginal cultural heritage values have been completely removed or destroyed, or the proposed development is in accordance with the conditions of that AHIP
  - where there is an existing Aboriginal Cultural Heritage Management Plan (ACHMP) for the proposal area, and development is in accordance with the ACHMP.

Based on the information provided, Heritage NSW recommends that the following SEAR is still applicable to this proposal with respect to Aboriginal cultural heritage (ACH).

Aboriginal Cultural Heritage

- Provide an Aboriginal Cultural Heritage Assessment Report (ACHAR), prepared in accordance with relevant guidelines, identifying, describing and assessing any impacts to Aboriginal cultural heritage sites or values associated with the site.

Kind Regards  
Nicole Davis

Nicole Davis  
Manager Assessments  
Heritage NSW  
Department of Planning and Environment

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Locked Bag 5020 Parramatta 2124



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**From:** Francisco Medina Avina <[Francisco.Medina-Avina@arup.com](mailto:Francisco.Medina-Avina@arup.com)>  
**Sent:** Wednesday, 17 August 2022 1:37 PM  
**To:** Nicole Davis <[Nicole.Davis@environment.nsw.gov.au](mailto:Nicole.Davis@environment.nsw.gov.au)>  
**Cc:** Ben Hooper <[Ben.Hooper@arup.com](mailto:Ben.Hooper@arup.com)>  
**Subject:** RE: Heritage NSW Reply - Project Echidna SSDA - Heritage NSW Consultation - ACHAR Waiver Request

Hi Nicole,

Apologies for the delayed response, we've just received the SSD number / SEARs today (please see attached).

The application number is **SSD-47320208**.

The Assessment Officer is Shaun Williams. His contact details are as follows: (02) 8275 1345 /at [shaun.williams@planning.nsw.gov.au](mailto:shaun.williams@planning.nsw.gov.au)

Do not heistate to contact me if you require further information.

Regards,  
Francisco

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**From:** Nicole Davis <[Nicole.Davis@environment.nsw.gov.au](mailto:Nicole.Davis@environment.nsw.gov.au)>  
**Sent:** Wednesday, 10 August 2022 10:08 PM  
**To:** Francisco Medina Avina <[Francisco.Medina-Avina@arup.com](mailto:Francisco.Medina-Avina@arup.com)>  
**Cc:** Ben Hooper <[Ben.Hooper@arup.com](mailto:Ben.Hooper@arup.com)>  
**Subject:** Heritage NSW Reply - Project Echidna SSDA - Heritage NSW Consultation - ACHAR Waiver Request

Dear Francisco,

Can you please advise the relevant SSD number and the appropriate contact in DPE? I am not aware of this proposal and cannot locate and SEARs issued by Heritage NSW. Heritage NSW does not issue waivers of any kind with respect to Aboriginal cultural heritage. We are not in a position to review the attached document at the point in time, especially without any prior consultation.

Kind Regards  
Nicole Davis

Nicole Davis  
Manager Assessments  
Heritage NSW  
Department of Planning and Environment

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**From:** Francisco Medina Avina <[Francisco.Medina-Avina@arup.com](mailto:Francisco.Medina-Avina@arup.com)>  
**Sent:** Tuesday, 9 August 2022 2:12 PM  
**To:** OEH HD Heritage Mailbox <[HERITAGEMailbox@environment.nsw.gov.au](mailto:HERITAGEMailbox@environment.nsw.gov.au)>  
**Cc:** Ben Hooper <[Ben.Hooper@arup.com](mailto:Ben.Hooper@arup.com)>  
**Subject:** Project Echidna SSDA - Heritage NSW Consultation - ACHAR Waiver Request

Dear Sir/Madam,

**RE: Project Echidna SSDA – Heritage NSW Consultation – ACHAR Waiver Request**

Please find attached an ACHAR Waiver Request regarding the Project Echidna Data Centre SSDA at 10 Eastern Creek Drive, Eastern Creek NSW.

This consultation has been provided in accordance with the Industry-specific Secretary's Environmental Assessment Requirements (Data storage centres).

Do not hesitate to contact us if you require further information.

Thank you.

Regards,

**Francisco Medina** (*he/him/his*)  
Senior Environmental Planner  
BIB, MEnvPlan, MPIA  
*My work days are Wednesday and Friday*

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