

**EIS**

## Project Echidna

### Waiver Request

Appendix G

Final | 18 August 2022

This report takes into account the particular instructions and requirements of our client. It is not intended for and should not be relied upon by any third party and no responsibility is undertaken to any third party.

Job number 288255-02

Arup Australia Pty Ltd | ABN 76 625 912 665

**Arup Australia Pty Ltd**  
Level 5  
151 Clarence Street  
Sydney  
NSW 2000  
Australia  
[arup.com](http://arup.com)

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## 1. Introduction

Arup on behalf of the Proponent is seeking development consent to construct a data centre (the Proposal) at 10 Eastern Creek Drive, Eastern Creek NSW, legally described as Lot 4001 DP 1243178 (the Site). The Proposal site is shown in Figure 1 below.

This memo has been prepared to provide an assessment of impacts to Aboriginal cultural heritage values associated with the Proposal and to support an Aboriginal Cultural Heritage Assessment Report (ACHAR) waiver application.

## 2. Background

The Proposal involves the construction of a two-storey data centre comprising of data halls, mechanical and electrical equipment rooms, offices, other ancillary support spaces, and external/rooftop mechanical and electrical equipment. The site is situated within the Blacktown Local Government Area (LGA) on the corner of Eastern Creek Drive and Old Wallgrove Road. Building 1 and Building 1A in the vicinity of the Proposal site are currently under construction. The previous DA (SPP-19-00013) was approved on site for the industrial development of a Detailed Design Stage 1 and a Concept Design Approval. The Concept Design Approval included an outline for Stage 2, which is the subject Site. The proposed development, construction and operational use of the Data Centre will serve Sydney and the wider region in providing for increasing cloud-based storage and compute requirements. The Data Centre will positively impact the social and economic conditions of Eastern Creek and the Blacktown City Council LGA, creating jobs during both construction and operation.

Division 4.7 of Part 4 of the EP&A Act covers State significant development (SSD). The Proposal is identified as SSD by virtue of meeting thresholds defined under Schedule 1, Clause 25 of the *State Environmental Planning Policy (Planning Systems) 2021*. Specifically, the Proposal is more appropriately classified as a data storage development with a capacity of more than 10 megawatts (see Chapter 4 (Strategic context) for further detail). Arup is committed to delivering a high-quality development with economic and employment benefits for the Eastern Creek District and the residents and visitors of the region through effective collaboration with key stakeholders, including State government agencies and Blacktown City Council.

The EIS must consider the requirements of the Environmental Planning and Assessment Regulation 2000 (EP&A Regs) including any additional requirements issued by the Secretary (SEARs), which may include the preparation of an ACHAR.

As outlined in this memo, no known objects or places of Aboriginal heritage significance were identified within the Proposal site or immediate surrounds. The Proposal site is located within an established industrial area and has been approved for development prior to this Proposal. Therefore, it is unlikely that objects or places of Aboriginal heritage significance would be impacted by the Proposal.

This memo has been prepared to demonstrate that the Proposal would not impact on Aboriginal cultural heritage values, and as such, an ACHAR is not required.

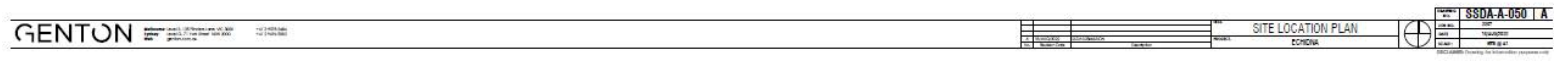


Figure 1 Site context (Genton, 2022)

### 3. Impacts to Aboriginal cultural heritage values

The Proposal site is located in Eastern Creek within a primarily industrial use area. The site is currently vacant with substantial undeveloped parcels of land in the vicinity of the property to the north. The Site is located within a IN1 General Industrial Area under the State Environmental Planning Policy (Industry and Employment) 2021, comprising of various industrial uses, supplier warehouses, distribution centres and freight transport facilities.

Aboriginal heritage was assessed and approved under DA-18-00938, for site establishment works. The site is presently disturbed as a result of the bulk earthworks conducted under construction activities being completed under SPP-19-00013. There are no known items or areas of Aboriginal heritage within or immediately surrounding the site, therefore it is highly unlikely that objects or places of Aboriginal heritage significance would be impacted. As the proposal does not alter the size or location of the subject site as assessed within the approved DA for the industrial development of a Detailed Design Stage 1 and Concept Design Approval, it continues to be highly unlikely that objects or places of Aboriginal heritage significance would be impacted.

An assessment of the Proposal against potential impacts to Aboriginal cultural heritage values is presented in Table 1.

**Table 1 Impacts to Aboriginal cultural heritage values**

Relevant Legislation	Potential Impacts	Approval or Assessment Requirement
<i>National Parks and Wildlife Act 1974</i> (NPW Act)	Disturbance of any objects or places of Aboriginal heritage significance	<p>Under Section 4.41 of the EP&amp;A Act development applications assessed as SSD do not require an Aboriginal heritage impact permit (AHIP) (under Section 90 of the NPW Act).</p> <p>As noted above, the DA for the site establishment works included an Aboriginal Heritage Assessment for the subject site. The assessment identified no known objects or places of Aboriginal heritage significance within the boundaries of the site.</p> <p>The assessment concluded that given the site and locality is extensively disturbed, it is highly unlikely that objects or places of Aboriginal heritage significance would be impacted by the proposal.</p>
<i>Heritage Act 1977</i> (Heritage Act)	Disturbance to any object that is of state or local heritage significance	<p>N/A</p> <p>The Proposal would not impact on any item of heritage significance (Aboriginal or non-Aboriginal).</p>

## 4. Heritage mapping

### 4.1 Aboriginal Heritage Information Management System

A search of the Aboriginal Heritage Information Management System (AHIMS) database from Heritage NSW was undertaken. The AHIMS search did not identify any objects or places of Aboriginal heritage significance within the Proposal site or immediate surrounds. The AHIMS search identified 16 Aboriginal sites within a 1-kilometre (km) buffer zone, however, none of these sites were within 200m of the proposal site as seen below in Figure 2 and Figure 3.

Given that the Proposal site and surrounding industrial area have been extensively disturbed, it is considered highly unlikely that objects or places of Aboriginal heritage significance would be impacted as a result of the Proposal.

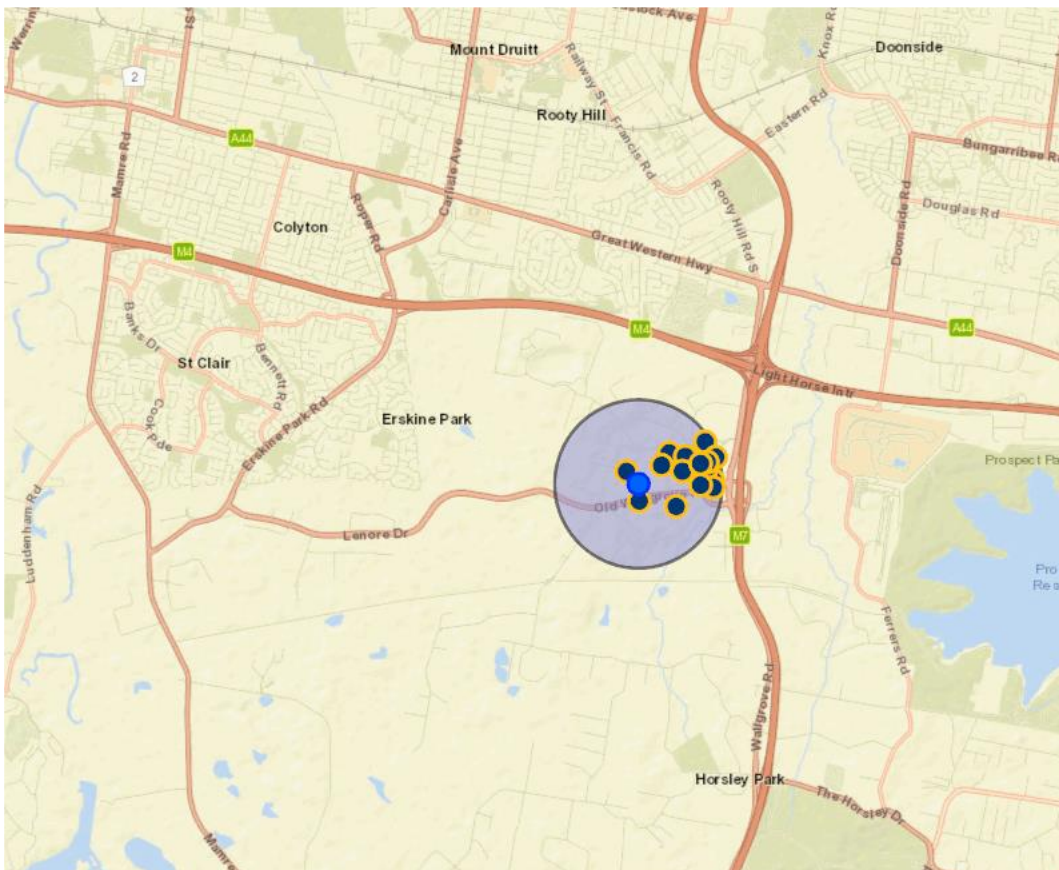


Figure 2 Aboriginal site records within a 1km buffer surrounding the Proposal site

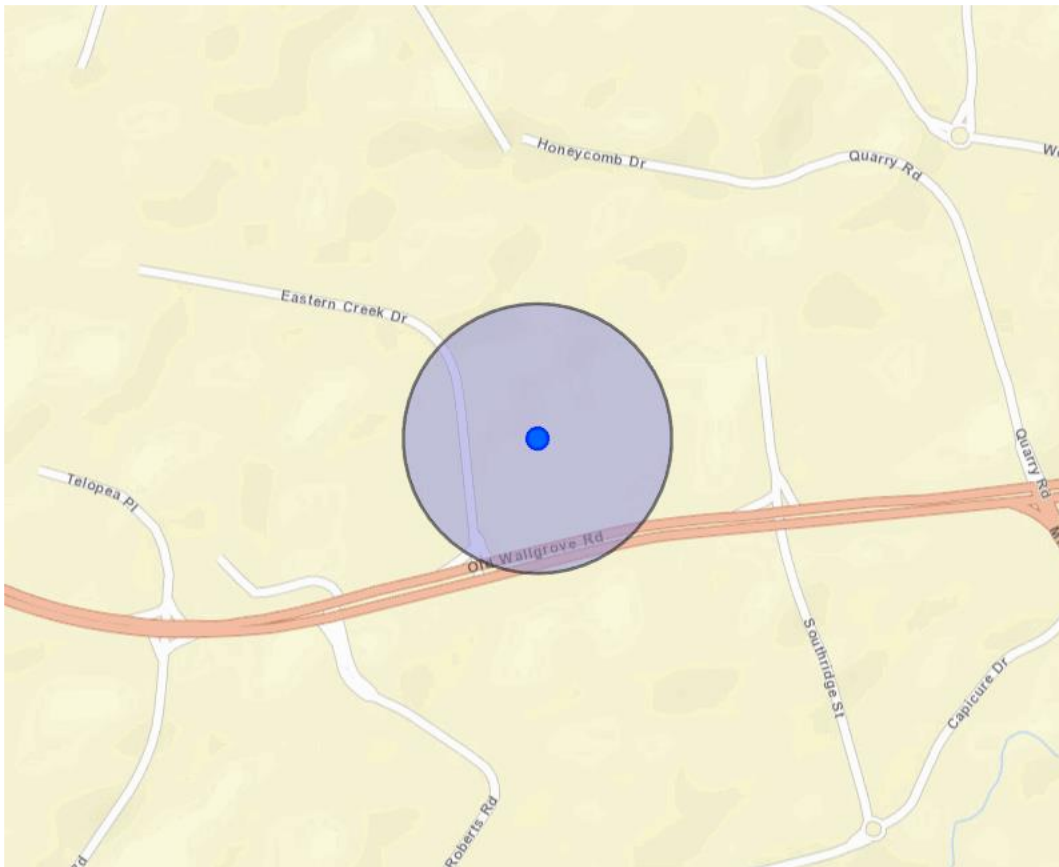


Figure 3 Aboriginal site records within a 200m buffer surrounding the Proposal site

## 4.2 Aboriginal Places & State Heritage Inventory

A State Heritage Inventory (SHI) database search was undertaken on 25 July 2022. Figure 4 below shows a map of declared Aboriginal Places and items listed on the SHI. As can be seen in the below map, no Aboriginal places or items were found at the Proposal site or immediate surrounds. The closest place listed on the SHI is located approximately 300m southeast of the Proposal site. This item is known as ‘Southridge’ local heritage item #1123 and is located at 1 Southridge Street, Eastern Creek.

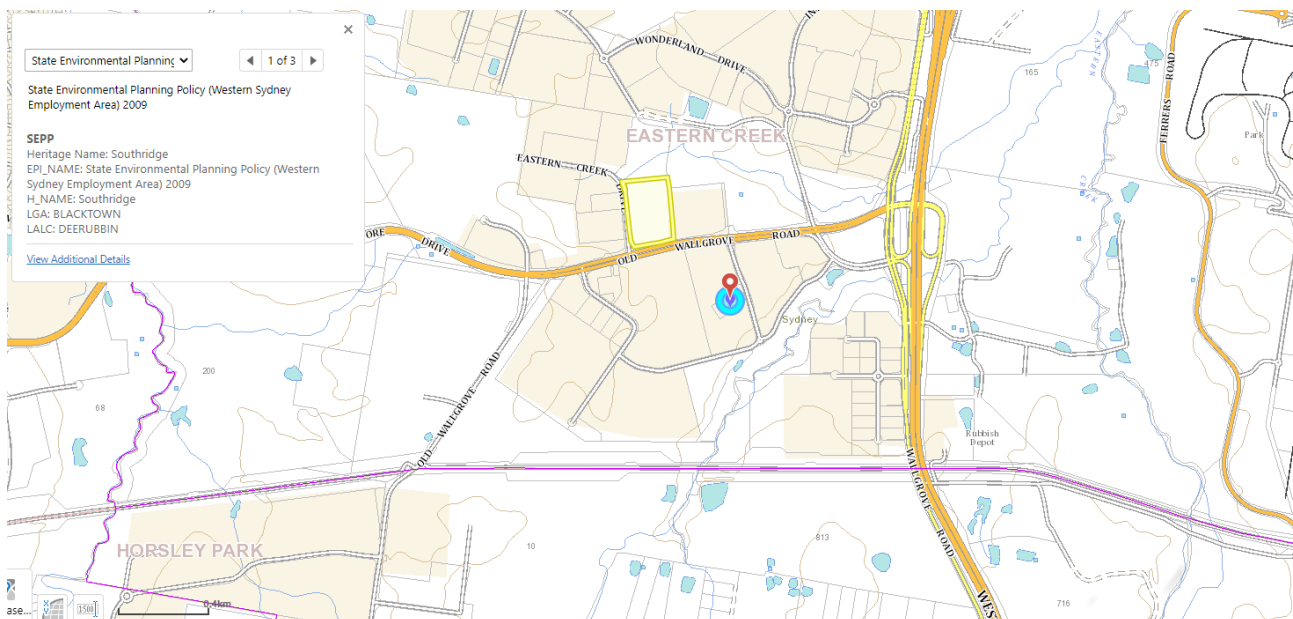


Figure 4 Aboriginal Places and State Heritage Inventory. Proposal site identified with a yellow outline.

## 5. ACHAR waiver request

The site has been extensively disturbed and is also located within an established industrial area. As part of the previous approval for bulk earthworks entailing cut and fill works across the site to facilitate future built form (DA-18-00938), an Aboriginal Heritage Assessment was prepared. The assessment concluded that it is considered highly unlikely that objects or places of Aboriginal Heritage significance would be present. Additionally, no known objects or places of Aboriginal heritage significance have been identified within the site or immediate surrounds. Due to history of disturbance at the site it is considered highly unlikely that any non-recorded objects or places of Aboriginal Heritage significance exist. Given this, there is no potential for impact to identified or non-recorded Aboriginal Heritage values (i.e. unexpected finds).

An ACHAR waiver is requested as Aboriginal Heritage was assessed under DA-18-00938 for site establishment works. Further investigation was not required, and this was justified and approved under SPP-19-00013 by Blacktown Council.

## 6. Conclusion

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.

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. In light of the above findings, it is requested that the Proposal be exempt for requiring preparation of an ACHAR.

## 7. References

Heritage NSW (2022) *Aboriginal Heritage Information Management System (AHIMS) Web Services*. Basic Search. Accessed on 25 July 2022 from: [Aboriginal Heritage Information Management System \(AHIMS\) Web Services \(nsw.gov.au\)](https://www.environment.nsw.gov.au/ahims/)

Heritage NSW (2022) *State Heritage Inventory*. Basic Search. Accessed on 25 July 2022 from: <https://www.environment.nsw.gov.au/heritageapp/heritagesearch.aspx>