



Australian Government

National Indigenous Australians Agency

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**CHARLES PERKINS HOUSE
16 BOWES PLACE
WODEN**

[REDACTED]
Senior Development Manager – Apartments, NSW
Residential
Mirvac Limited
[REDACTED]

Dear [REDACTED]

Thank you for your letter of 27 October 2021 regarding 55 Coonara Avenue, West Pennant Hills New South Wales, *Environment Protection and Biodiversity Protection Act 1999* (EPBC Act) referral number 2021/8995, to demolish existing office infrastructure and construct housing and apartments.

I am pleased Mirvac has considered the National Indigenous Australians Agency's (NIAA) recommendations and I acknowledge your organisation's proactive engagement on matters of Indigenous cultural heritage protection. I also note Mirvac's support of Indigenous employment and reconciliation through the engagement of Jiwah Indigenous landscaping consultancy and Mirvac's second Reconciliation Action Plan.

A Cultural Heritage Management Plan (CHMP) is a plan with Traditional Owners that sets out protocols to protect and manage tangible and intangible cultural heritage matters. A CHMP is an appropriate tool to facilitate agreed management of identified heritage values. These values can only be identified through participation in a heritage assessment by those with a connection to the project area. Where no heritage values have been identified, it may still be appropriate to ensure that there are agreed protocols in place that will operate in the event that potential heritage values or artefacts are identified during the course of the project.

I welcome the engagement Mirvac has undertaken, including the Aboriginal Archaeological Due Diligence Assessment, work with Traditional Owners and the Local Aboriginal Land Council. While Mirvac has undertaken significant engagement with these stakeholders on the project I note there are no agreed protocols, such as those under a CHMP, in place should a matter of cultural heritage arise in the future.

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The NIAA does not have the authority to agree that the Indigenous engagement Mirvac has undertaken on this project negates the need for a CHMP. If an agreement was to be made on such matters it would need to be done with the Traditional Owners and Indigenous stakeholders relevant to the project area. To ensure Indigenous cultural heritage matters have been adequately managed, I suggest you work with the Traditional Owners and other relevant Indigenous stakeholders to either develop protocols to manage Indigenous cultural heritage or reach agreement that such protocols are not required. I suggest this include an opportunity for Traditional Owners and Indigenous stakeholders to review any heritage assessments and attend the project site.

Thank you for your conscientious approach to protecting matters of Indigenous cultural heritage. I appreciate you making contact and encourage you to continue to work with Traditional Owners and other Indigenous stakeholders throughout the life of the project.

Yours sincerely



Branch Manager
Land Policy and Environment Branch
National Indigenous Australians Agency

23 November 2021