

Mr Harvey Johnston
Senior Team Leader, South West
Heritage NSW
Department of Premier and Cabinet

By email: Harvey.Johnston@environment.nsw.gov.au

Dear Mr Johnston

**Application under section 60 of the *Heritage Act 1977*
Willandra Lakes
State Heritage Register No. 01010**

Address: Willandra Lakes, 120km north, Balranald, NSW 2715

Proposal: The Willandra Lakes Aboriginal Ancestors Reburial Project proposes to rebury 108 Aboriginal Ancestors, including Mungo Man and Mungo Woman. The Aboriginal Ancestors were removed from the region from the 1960s to the 1980s. All these remains are currently held at Mungo NP and will be returned to locations close to their origin. 19 of the 26 proposed reburial locations are situated within the boundary of the Willandra Lakes, an item listed on the NSW State Heritage Register.

Section 60 application no: s.60/2020/188, received 16 November 2020

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above Section 60 application. Pursuant to section 63 of the *Heritage Act 1977*, approval is granted subject to the following conditions:

APPROVED DEVELOPMENT

1. All work shall comply with the information contained within:
 - a) Report titled *Statement of Heritage Impact Willandra Lakes (SHR 01010)* prepared by Heritage NSW, dated October 2020.
 - b) Report titled *Heritage Assessment Willandra Lakes Aboriginal Ancestors Reburial Project* prepared by Heritage NSW, dated October 2020.
 - c) Report titled *Conservation Management and Cultural Tourism Plan Mungo National Park Historic Heritage*, prepared by Godden Mackay Logan, dated March 2003.

EXCEPT AS AMENDED by the conditions of this approval:

PROJECT ACTIVITIES

2. The project activities must always be supervised by a Heritage Officer(s) from Heritage NSW in the company of Aboriginal Elders.

Reason: To ensure works are carried out in the most appropriate manner.

3. The proposed works must follow the mitigation measures set out in Sections 11.1 and 11.2 of the Heritage Assessment Report and Sections 8.1 and 8.2 of the Statement of Heritage Impact, as noted under Condition 1 of this approval.

Reason: To minimise impacts to Aboriginal objects and the cultural landscape.

SITE PROTECTION

4. Significant landscape elements are to be protected during site preparation and the works from potential damage. Protection systems must ensure significant fabric is not damaged or removed.

Reason: To ensure significant fabric including vegetation is protected during construction.

PHOTOGRAPHIC ARCHIVAL RECORDING

5. A photographic archival recording must be prepared of the affected sites prior to the commencement of works, during works, and at the completion of works. This recording must be in accordance with the Heritage NSW publication '*Photographic Recording of Heritage Items using Film or Digital Capture*' (2006). The digital copy of the archival record must be provided to Heritage NSW and appropriately managed through AHIMS protocols for access of information.

Reason: To capture the condition and appearance of the place prior to, and during, modification of the site which impacts significant fabric.

UNEXPECTED HISTORICAL ARCHAEOLOGICAL RELICS

6. The applicant must ensure that if unexpected archaeological deposits or relics not identified and considered in the supporting documents for this approval are discovered, work must cease in the affected area(s) and the Heritage Council of NSW must be notified. Additional assessment and approval may be required prior to works continuing in the affected area(s) based on the nature of the discovery.

Reason: This is a standard condition to identify to the applicant how to proceed if historical archaeological deposits or relics are unexpectedly identified during works.

ABORIGINAL OBJECTS

7. Should any Aboriginal objects be uncovered by the work which is not covered by a valid Aboriginal Heritage Impact Permit, excavation or disturbance of the area is to stop immediately and the Department of Planning, Industry and Environment is to be informed in accordance with the *National Parks and Wildlife Act 1974* (as amended). Works affecting Aboriginal objects on the site must not continue until the Department of Planning, Industry and Environment has been informed and the appropriate approvals are in place. Aboriginal objects must be managed in accordance with the *National Parks and Wildlife Act 1974*.

Reason: This is a standard condition to identify to the applicant how to proceed if Aboriginal objects are unexpectedly identified during works.

COMPLIANCE

8. If requested, the applicant and any nominated heritage consultant may be required to participate in audits of Heritage Council of NSW approvals to confirm compliance with conditions of consent.

Reason: To ensure that the proposed works are completed as approved.

DURATION OF APPROVAL

9. This approval will lapse five years from the date of the consent unless the building works associated with the approval have physically commenced.

Reason: To ensure the timely completion of works

Advice

Section 148 of the *Heritage Act 1977* (the Act), allows people authorised by the Minister to enter and inspect, for the purposes of the Act, with respect to buildings, works, relics, moveable objects, places or items that is or contains an item of environmental heritage. Reasonable notice must be given for the inspection.

Right of Appeal

If you are dissatisfied with this determination appeal may be made to the Minister under section 70 of the Act.

It should be noted that an approval under the Act is additional to that which may be required from other Local Government and State Government Authorities in order to undertake works.

If you have any questions about this correspondence, please contact Shikha Jhaldiyal, Senior Heritage Assessment Officer, at Heritage NSW, on 9873 8545 or shikha.jhaldiyal@environment.nsw.gov.au.

Yours sincerely



Cheryl Brown
Regional Manager, North
Heritage NSW
Department of Premier and Cabinet

As Delegate of the Heritage Council of NSW

22 December 2020

cc: The General Manager, Balranald Shire Council, Email: council@balranald.nsw.gov.au