



Mandana Mazaheri
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Energy Resource Industry Assessment
Department of Planning & Environment
Email: Mandana.Mazaheri@planning.nsw.gov.au

Your reference: SSI-22338205
Our reference: DOC22/279319

Dear Mandana

**Advice on EIS and recommended conditions – State Significant Development – Kurri
Kurri Lateral Pipeline Project (SSI-22338205)**

**Project: Kurri Lateral Pipeline Project
SSD/SSI application no: SSI-22338205**

Thank you for your referral uploaded to the Major Projects Portal on 7 April 2022 seeking advice on the proposal and for the above state significance infrastructure (SSI) proposal. In preparing the following advice I have reviewed the following documents:

- Kurri Lateral Pipeline Project: Environmental Impact Assessment – prepared by Umwelt (Australia) Pty Ltd, dated March 2022
- Appendix 6: Kurri Lateral Pipeline Project - Aboriginal Cultural Heritage Assessment Report – prepared by Umwelt (Australia) Pty Ltd, dated March 2022

The Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared in reference to the relevant guidelines as required by the SEARs (Requirement 9). Heritage NSW agrees with the current Management Recommendation ACHAR outcomes, based on the current state of the archaeological investigation. Heritage NSW provides the following recommendations in addition to the management and mitigation measures included in the ACHAR and EIS:

- Heritage NSW requires the track logs and/or location of transects surveyed to assess the thoroughness of the archaeological survey. Please provide detailed mapping of the extent of survey units, landforms surveyed, and the areas within the units subject to survey. These maps should be presented at an appropriate scale to the survey unit;
- Please clarify the areas not subject to survey and outline provisions within the Aboriginal Cultural Heritage Management Plan for the thorough and complete assessment of the proposed development;
- Heritage NSW generally recommends that all assessment should be undertaken prior to the approval of impacts to Aboriginal cultural heritage. Without adequate and complete assessment, in this instance subsurface testing, to establish the cultural significance it cannot be demonstrated that more places of significance or places which may further enhance the significance of the known Aboriginal cultural heritage in the area will not be found. The Registered Aboriginal Parties (RAPs) could also not have provided informed comments on the project. However, in this instance Heritage NSW,



in consultation with DPE and the proponent – will allow test excavations to occur post-approval and as per the Aboriginal Cultural Heritage Management Plan (ACHMP); and

- Conditions for the creation and implementation of an ACHMP are provided in **Attachment A**. Heritage NSW recommends the ACHMP should be included in the Conditions of Approval and that an ACHMP be created and approved by Department of Planning and Environment prior to any development activities occurring within the project area.

Please note that the above comments relate only to Aboriginal cultural heritage regulation matters. If you have any questions regarding these comments, please contact Corey O'Driscoll, Senior Assessments Officer, at Heritage NSW on 6229 7079 and corey.odriscoll@environment.nsw.gov.au

Yours sincerely

Nicole Davis

Manager Assessments - North

Heritage NSW

Department of Planning and Environment

3 May 2022



Attachment A: Recommended Draft Conditions for Aboriginal Cultural Heritage

Below are recommended draft conditions for the protection of Aboriginal Heritage and the implementation of an Aboriginal Cultural Heritage Management Plan.

Aboriginal Heritage

- 1) All reasonable steps must be taken so as not to harm, modify or otherwise impact Aboriginal objects except as authorised by this approval.
- 2) The Registered Aboriginal Parties (RAPs) must be kept informed about the SSD. The RAPs must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the SSD.

Aboriginal Cultural Heritage Management Plan

- 3) Prior to carrying out any development, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:
 - a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
 - b) be prepared in consultation with Heritage NSW and Aboriginal Stakeholders;
 - c) include a methodology for complete and thorough survey of all areas within the project footprint;
 - d) include a methodology for a test excavation and salvage excavation program of the site with consideration to understanding site characteristics and local and regional prehistory;
 - e) include a description of the measures that would be implemented for:
 - i) protecting the Aboriginal heritage items identified within the project footprint or items located outside the approved development footprint, including fencing off the Aboriginal heritage items prior to commencing construction;
 - ii) salvaging and relocating the Aboriginal heritage items located within the approved development footprint;
 - iii) salvaging, relocating or avoiding any Aboriginal heritage items located within the approved development footprint identified during test excavations of the site;
 - iv) include updated baseline mapping of the heritage items within and adjoining to the development disturbance area;
 - v) include updated mapping of all areas that have been and will be subject to monitoring, test excavations, and salvage excavations
 - vi) include conservation options for the mitigation and avoidance to impacts AHIMS registered sites situated within and outside the project footprint;
 - vii) prepare a methodology outlining when Registered Aboriginal Parties must be notified of changes to the Heritage Management Plan;
 - viii) include a procedure for assessing significance of Aboriginal Objects identified during the monitoring, test excavations, and salvage excavation and ensure that the management and mitigation measures are considered for all sites, and with special consideration for those of high significance;

- ix) a strategy for the long term management of any Aboriginal heritage items or material collected during the test excavation or salvage works;
 - x) a contingency plan and reporting procedure if:
 - (1) an Unexpected Heritage Finds and Human Remains Procedure must be prepared to manage unexpected heritage finds (heritage items and values) in accordance with any guidelines and standards prepared by Heritage NSW.
 - (2) the Unexpected Heritage Finds and Human Remains Procedure must be prepared by a suitably qualified and experienced heritage specialist in relation to Aboriginal cultural heritage, in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010) and submitted to the Planning Secretary for information no later than one (1) month before the commencement of construction.
 - (3) the Unexpected Heritage Finds and Human Remains Procedure, as submitted to the Planning Secretary, must be implemented for the duration of construction.
 - xi) ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions; and
 - xii) ongoing consultation with Aboriginal stakeholders during the implementation of the plan; and
 - f) include the completion of Aboriginal cultural heritage test and salvage excavations, an Aboriginal Cultural Heritage Excavation Report(s), prepared by a suitable qualified expert. The Aboriginal Cultural Heritage Excavation Report(s), must:
 - i) be prepared in accordance with the *Guide to Investigation, assessing and reporting on Aboriginal cultural heritage in NSW*, OEH 2011 and the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, DECCW 2010; and
 - ii) document the results of the archaeological test excavations and any subsequent salvage excavations (with artefact analysis and identification of a final repository for finds).
- The RAPs must be given a minimum of 28 days to consider the report and provide comments before the report is finalised. The final report must be provided to the Planning Secretary, Heritage NSW, the relevant Councils, and the relevant Local Aboriginal Land Council, and the RAPs within 24 months of the completion of the Aboriginal archaeological collections and excavations (both test and salvage).
- g) where previously unidentified Aboriginal objects are discovered, all work must immediately stop in the vicinity of the affected area. Works potentially affecting the previously unidentified objects must not recommence until Heritage NSW has been informed. The measures to consider and manage this process must be specified in the Unexpected Heritage Finds and Human Remains Procedure required by Condition and include registration in the Aboriginal Heritage Information Management System (AHIMS).