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Your reference: SSD-33258337  
Our reference: DOC23/12371

Dear Thomas,

**Response to Submission – State Significant Development – TOGA Central – SSD-33258337**

Thank you for your referral uploaded to the Major Projects Portal on 10 January 2023 seeking advice for the above State Significance Development (SSD) Response to Submission (RtS). Thank you are the continued opportunity to comment on the project.

The responses provided by TOGA Central Development and Urbis have adequately addressed comments provided by Heritage NSW on Aboriginal cultural heritage (ACH) matters related to the SSD. As the Aboriginal Cultural Heritage Assessment Report (ACHAR) has been updated to include the recommendation for the creation and implementation of an Aboriginal Cultural Heritage Management Plan (ACHMP), recommended Draft Conditions of Approval have been provided in **Attachment A**. With respect to Aboriginal cultural heritage, Heritage NSW has no further comments on the proposal at this time.

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](mailto:corey.odriscoll@environment.nsw.gov.au)

Yours sincerely

**Nicole Davis**  
Manager Assessments  
Heritage NSW  
Department of Planning and Environment  
(As Delegate under National Parks and Wildlife Act 1974)  
Date: 23 January 2023



## **ATTACHMENT B: RECOMMENDED DRAFT CONDITIONS FOR ABORIGINAL CULTURAL HERITAGE**

Below are our 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 an Aboriginal Cultural 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 Aboriginal Stakeholders;
  - c) reviewed by Heritage NSW;
  - d) include a methodology for the monitoring of ground disturbance works in areas that may contain alluvial soils;
  - e) include a methodology for a test excavation and salvage excavation program with Aboriginal Stakeholder participation if alluvial soils are identified during construction works with consideration to understanding site characteristics, and local and regional archaeological context;
  - f) 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* (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
- g) 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*, 2011 and the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, 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).
  - iii) 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).
- h) 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).