

Our ref: DOC24/384368-24

Your ref: SSD-41294067

Mandana Mazaheri

Principal Planning Officer

Department of Planning, Housing and Infrastructure

mandana.mazaheri@planning.nsw.gov.au

Letter uploaded to the Major Projects Planning Portal

Advice on Environmental Impact Statement – State Significant Development

Proposal: Copi Mineral Sands Project

Major Project reference: SSD-41294067

Received: 16 May 2024

Dear Mandana

Thank you for your referral seeking advice on the above State Significant Development proposal. In preparing this advice Heritage NSW has reviewed the following documents:

- Relevant sections of the Environmental Impact Statement for the Copi Mineral Sands Project – prepared by R.W. Corkery & Co. Pty. Limited, dated 6 May 2024.
- Appendix 8: Aboriginal Cultural Heritage Assessment Report – Copi Mineral Sands Project – prepared by OzArk Environment and Heritage, dated 22 April 2024.

The Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared with reference to the relevant guidelines as required by the Secretary's Environmental Assessment Requirements (SEARs). The assessment resulted in the recording and registration of 143 Aboriginal sites on the Aboriginal Heritage Information Management System, of which, 65 are either located wholly (n=62) or partially (n=3) within the Limit of Disturbance (i.e., disturbance footprint) and are unable to be avoided by the proposal. The remaining 78 Aboriginal sites will not be harmed. Heritage NSW agrees with the proposed management measures and recommendations (Sections 15 and 16 of the ACHAR).

Heritage NSW has provided recommendations in relation to Draft Conditions of Consent, as included in Attachment A.

If you have any questions regarding these comments, please contact Marika Low, Senior Assessments Officer, at Heritage NSW on 0400 477 904 or marika.low@environment.nsw.gov.au.

Yours sincerely

Nicole Davis

Nicole Davis

Manager Assessments

Heritage NSW

Department of Climate Change, Energy, the Environment and Water

As Delegate under *National Parks and Wildlife Act 1974*

3 June 2024

Attachment A - Recommended Draft Conditions for Aboriginal Cultural Heritage

Below are our recommended draft conditions for the management 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 must be kept informed about the State Significance Development. The Registered Aboriginal Parties must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the State Significance Development.

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;
 - b. be prepared in consultation with Heritage NSW and Registered Aboriginal Parties;
 - c. include a description of the measures (and associated methodologies) that would be implemented for:
 - i. the surface collection of Aboriginal sites within the approved disturbance footprint as listed in Table 15-1 of the Aboriginal Cultural Heritage Assessment Report. This must include protocols for targeted surface artefact collection and surface artefact collection via walked transects as per Recommendation 2 of the Aboriginal Cultural Heritage Assessment Report.
 - ii. the limited archaeological excavation of Aboriginal sites with identified hearths within the approved disturbance footprint including Copi OS-6 (AHIMS 39-4-0613), Copi OS-12 (AHIMS 39-4-0584) and Copi OS-20 (AHIMS 39-4-0592) as per Recommendation 3 of the Aboriginal Cultural Heritage Assessment Report.
 - iii. the protection via fencing and signage of Aboriginal sites listed in Table 15-2 of the Aboriginal Cultural Heritage Assessment Report and in accordance with Recommendation 4 of the Aboriginal Cultural Heritage Assessment Report.
 - iv. the long-term management of any Aboriginal heritage items or material collected during the previous test excavations and any salvage activities completed under the Aboriginal Cultural Heritage Management Plan.
 - v. ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions.
 - vi. ongoing consultation and involvement of Registered Aboriginal Parties during the implementation of the Aboriginal Cultural Heritage Management Plan.

- vii. preparing Aboriginal Site Impact Recording Form/s (ASIRFs) for all Aboriginal heritage sites following construction activities with ASIRFs to be submitted to the Aboriginal Heritage Information Management System (AHIMS) registrar.
- d. include a contingency plan and reporting procedure including:
 - i. an Unexpected Heritage Finds and Human Remains Procedure prepared in relation to Aboriginal cultural heritage, with these measures to be prepared in accordance with the guidelines and standards specified by Heritage NSW, be implemented for the duration of the project and to include the requirement to register any newly identified Aboriginal objects or sites in the AHIMS database.
- e. include provision for the preparation of an Aboriginal Cultural Heritage Salvage Report following the completion of salvage activities under the Aboriginal Cultural Heritage Management Plan. The Aboriginal Cultural Heritage Salvage Report(s), must:
 - i. be prepared by a suitable qualified expert.
 - ii. 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*.
 - iii. document the results of the surface artefact collection and limited archaeological excavation of sites with hearths.
 - iv. document the results of any specialist studies including artefact analysis and the dating of excavated hearth materials.
 - v. outline the long-term management strategy for artefacts and cultural materials recovered from the project area.
 - vi. be provided to the Registered Aboriginal Parties who 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, AHIMS, and the Registered Aboriginal Parties within 24 months of the completion of the Aboriginal archaeological collections and excavations.
- f. include a program to monitor and report on the effectiveness of management measures and any Aboriginal cultural heritage impacts of the project.

Following the Planning Secretary's approval, the Applicant must implement the Aboriginal Cultural Heritage Management Plan.