

Our ref: DOC24/610050

Jeffrey Peng

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Letter uploaded to the Major Projects Planning Portal

Advice on Environmental Impact Statement – State Significant Development

Proposal: NEXTDC S5 Data Centre and Innovation Hub

Major Project reference: SSD-63168959

Received: 29 July 2024

Dear Jeffrey

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:

- Aboriginal Cultural Heritage Assessment S5 Data Centre 269 Lane Cove Road Macquarie Park NSW - prepared by Urbis, dated 14 March 2024.
- Relevant Sections of NEXTDC S5 Data Centre and Innovation Hub Environmental Impact Statement - prepared by Urbis, dated 9 July 2024.

The Aboriginal Cultural Heritage Assessment (ACHA) has been prepared in reference to the relevant guidelines as required by the SEARs. Heritage NSW agrees with the current Recommendations given that no Aboriginal sites or areas of potential were identified during the assessment. We provide the following comments on the assessment:

- Please clarify why the only newspaper advertisement was placed in the Koori Mail and not the local newspaper as per Section 4.1.3 of the Aboriginal cultural heritage consultation requirements for proponents 2010 (DECCW).
- Regarding the unexpected finds protocol outlined in Recommendation 3 of the ACHAR, Heritage NSW would recommend the addition that any plan of management of an unexpected find must be developed in consultation with both the Registered Aboriginal Parties and Heritage NSW.

Provided these matters can be addressed we have included recommended draft conditions of approval in **Attachment A**. Please note that the above comments relate only to Aboriginal cultural heritage regulation matters. If you have any questions regarding these comments, please contact James Cole, Senior Assessments Officer, at Heritage NSW on 9873 8500 or heritagemailbox@environment.nsw.gov.au.

Yours sincerely

Alison Lamond

Alison Lamond
Practice Lead, Major Projects
Heritage NSW
Department of Climate Change, Energy, the Environment and Water
As Delegate under *National Parks and Wildlife Act 1974*

26 August 2024

Attachment A - Recommended Draft Conditions for Aboriginal Cultural Heritage

Below are our recommended draft conditions for the protection of Aboriginal Heritage.

Aboriginal heritage

1. All reasonable steps must be taken to avoid harm, modification, or other impact to Aboriginal objects except as authorised by this approval.
2. The Registered Aboriginal Parties must be kept informed about the SSD. The Registered Aboriginal Parties must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the SSD.
3. A procedure for the management of unexpected Aboriginal objects and human remains must be developed in consultation with the Registered Aboriginal Parties and Heritage NSW. The procedure must be prepared in accordance with Heritage NSW guidelines and codes of practice and must be implemented for the duration of the project.
4. Ensure workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions