

Our ref: HMS ID 10445

Anthony Kunz
Department of Planning, Housing and Infrastructure
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Letter uploaded to the Major Projects Planning Portal

Advice on Environmental Impact Statement – State Significant Development

Proposal: Mixed use Development with infill affordable housing at 38-42 Anderson, 3 McIntosh Streets Chatswood

Major Project reference: SSD-74670720

Received: 19 May 2025

Dear Anthony,

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: 38-42 Anderson Street, 3 MacIntosh Street and 2 Day Street, Chatswood – prepared by Mecone Group Pty Ltd, dated 2 May 2025
- Appendix AA: Aboriginal Cultural Heritage Assessment Report – 3 McIntosh, 38-42 Anderson and 2 Day Streets Chatswood – prepared by Artefact Heritage and Environment, dated 3 April 2025

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 ACHAR outlines that no Aboriginal objects or areas of archaeological potential were identified within the study area and that no Aboriginal cultural heritage values will be impacted by the proposal. Heritage NSW provisionally agrees with the proposed management recommendations (Section 9 of the ACHAR) however, we recommend that that Planning request the following evidence from the applicant prior to project approval to ensure that the assessment and Aboriginal community consultation has been completed in substantial compliance with the guidelines.

1. Please provide a copy of the Aboriginal community consultation log and all consultation documentation including:

- a. Evidence that the Stage 1 letter requesting registration of interest in the project was sent out to all potential Aboriginal cultural heritage knowledge holders (groups or individuals) who were identified during the stage 1 Agency notification process.
- b. Evidence that the Stage 2/3 Project information and assessment methodology was provided to all registered Aboriginal parties (RAPs).
- c. Evidence that the Stage 4 draft ACHAR and Draft Archaeological Research Design and Methodology (ARDM) was provided to all RAPs.
- d. Copies of all RAP responses received in relation to the above consultation.

Evidence of the above-mentioned correspondences are required to assist in Heritage NSW's evaluation of the adequacy and completeness of the consultation process. This evidence can comprise of copies of all dated email records with all relevant email addresses shown and/or delivery / read receipts of the correspondence and may be provided to Heritage NSW separately for our review/records.

On the basis that the above comment is adequately addressed, Heritage NSW has provided recommendations in relation to Draft Conditions of Consent, as included in **Attachment A**.

Please note that the comments provided relate only to Aboriginal cultural heritage regulation matters. If you have any questions about this correspondence, please contact Marika Low, Senior Assessments Officer at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au

Yours sincerely,

Alison Lamond

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

12 June 2025

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. Prior to carrying out any development, the Applicant must ensure Aboriginal heritage management procedures are prepared for the development and included in the Project's Construction Environmental Management Plan (CEMP). The Aboriginal heritage management procedures must:
 - a. be prepared by suitably qualified and experienced persons;
 - b. be prepared in consultation with Registered Aboriginal Parties and be reviewed by Heritage NSW;
 - c. include a description of the measures that would be implemented for:
 - i. ongoing consultation with Registered Aboriginal Parties, including consultation regarding changes to the management of Aboriginal cultural heritage.
 - ii. a contingency plan and reporting procedure for the management of Unexpected Heritage Finds and Human Remains that is prepared by suitably qualified and experienced heritage specialist in relation to Aboriginal cultural heritage, in consultation with the Registered Aboriginal Parties and in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (2010). The Unexpected Heritage Finds and Human Remains Procedure, as submitted to the Planning Secretary, must be implemented for the duration of construction.
 - iii. ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions.