

Our ref: DOC24/515896-4

Your ref: SSD-66777221

Dave Auster

Senior Environmental Assessment Officer

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: Lanceley Place Data Centre, Artarmon

Major Project reference: SSD-66777221

Address: 2-8 Lanceley Place and 14 Campbell Street, Artarmon

Received: 1 July 2024

Dear Dave,

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: Lanceley Place Data Centre Artarmon – prepared by Urbis Ltd, dated 6 June 2024.
- Appendix W: Aboriginal Cultural Heritage Assessment Report – 2-8 Lanceley Place and 14 Campbell Street, Artarmon – prepared by Artefact Heritage Services, dated 11 March 2024.

The Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared in reference to the relevant guidelines as required by the Secretary's Environmental Assessment Requirements (SEARs). The ACHAR outlines that no Aboriginal objects or potential archaeological deposits have been identified within the project area and that no Aboriginal cultural heritage values will be impacted by the proposal. Heritage NSW agrees with the proposed Management and mitigation measures and Recommendations (Sections 10 and 11 of the ACHAR) however, the following minor update is required:

- Heritage NSW notes that the proposed 'Unexpected Find Procedure for Aboriginal objects' and 'Unexpected Human Remains Procedure' specifies Metropolitan Local Aboriginal Land Council (LALC) as the Aboriginal group to be notified if any unexpected Aboriginal objects, potential objects or suspected Aboriginal ancestral remains are uncovered during the proposed development. Consistent with the *Aboriginal cultural heritage consultation requirements for proponents 2010*, and the Aboriginal community consultation that has been undertaken for the

project area, when finalising the procedures for inclusion in the Construction Environmental Management Plan (CEMP), please ensure that they are amended to include the notification of all Project Registered Aboriginal Parties, not just the Metropolitan LALC.

On the basis that the above matter will be addressed, Heritage NSW has provided recommendations in relation to Draft Conditions of Consent, as included in Attachment A.

Please be advised that Heritage NSW requires that consultation with Registered Aboriginal Parties is continuous and as a general rule, gaps in the consultation process of 6 months or more will not constitute a continuous consultation process. We note that despite a gap in consultation of over 19 months, the original consultation completed for the project area in relation to an earlier proposed development on the property has been utilised for the current project. Where a project has a gap of over 6 months and is associated with a different program of proposed works and associated impacts, it is Heritage NSW's expectation that full consultation be completed, noting that Stages 2-4 may be compressed where appropriate. We request that Artefact Heritage Services please keep this best practice in mind for future projects.

If you have any questions regarding these comments, please contact Marika Low, Senior Assessments Officer, at Heritage NSW on 02 9873 8500 or heritagemailbox@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*
23 July 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. 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.