



Our ref: DOC21/399781
Your ref: SSD-10398

James McDonough
Department of Planning, Industry and Environment
Email: james.mcdonough@planning.nsw.gov.au

Advice provided via the Major Projects Portal

Dear James,

Advice on EIS and recommended conditions – State Significant Development – Hanson Tweed Sand Plant Expansion (SSD 10398)

Thank you for your referral uploaded to the Major Projects Portal on 14 April 2021 seeking advice on the proposal and recommended conditions for the above state significant development (SSD) proposal.

In preparing the following advice we have reviewed the following documents:

- SEARs for SSD-10398, issued 17 December 2019
- Aboriginal Cultural Heritage Assessment Report (ACHAR) – prepared by Everick Heritage (Everick) Pty Ltd, dated 12 February 2021
- Environmental Impact Statement (EIS) SSD 10398 – Hansen Tweed Sand Plant Extension Phase 5 to 11 – prepared by Zone Planning Group Pty Ltd, dated 03 March 2021

Heritage NSW has reviewed the ACHAR prepared by Everick. It is noted that there is one site listed on the Aboriginal Heritage Information Management System (AHIMS) located within the EIS subject area. The site (AHIMS #04-2-0109) was subject to a Consent to Destroy permit (N99/CDS/2001) in 2001 and has been impacted by the construction of a dam. All areas of the EIS subject area were surveyed by a representative from Everick and representatives from the Tweed-Byron Local Aboriginal Land Council. No Aboriginal objects or areas of archaeological potential were identified.

HNSW notes that the ACHAR does not meet the requirements of an Aboriginal Cultural Heritage Assessment in accordance with the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (2011). The archaeological investigation was completed in accordance with the *Code of Practice for the Investigation of Aboriginal Objects in NSW* (2010). The consultation undertaken with the Tweed-Byron Local Aboriginal Land Council does not satisfy the requirements of Aboriginal community consultation under the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010). However, this is not a requirement of the project SEARs.

Based on the review of the ACHAR and the EIS the following advice is provided:

- There are a number of restricted AHIMS sites within the extensive search parameters. Consultation with AHIMS should be demonstrated to ascertain if the proposed development would impact on these sites. HNSW also recommends that the consultation process may need to be expanded to ensure that Aboriginal cultural heritage values associated with the restricted sites are not impacted.

If you have any further questions in relation to this matter, please contact Claire Rayner – Archaeologist, Aboriginal Cultural Heritage Regulation North on 9995 6824 or email at Claire.rayner@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'SH' or similar initials, located below the 'Yours sincerely' text.

Dr Samantha Higgs
Senior Team Leader, Aboriginal Cultural Heritage Regulation - North
Heritage NSW
20 May 2021