



Our ref: DOC21/456763-1
Your ref: SSD-6612

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 Amendment and Response to Submissions Report– State Significant Development – Martins Creek Quarry Project (SSD-6612)

Thank you for your referral uploaded to the Major Projects Portal on 3 June 2021 seeking advice on the amendment and response to submissions report for the above state significant development (SSD) proposal.

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

- SEARs for SSD-6612, issued 4 August 2016
- Aboriginal Cultural Heritage Assessment Report (ACHAR) – prepared by Niche Environment & Heritage (Niche), dated 8 June 2016
- Amended Development Application and Response to Submissions (Response to Submissions Report) – Martins Creek Quarry Extension Project – prepared by Umwelt (Australia) Pty Ltd (Umwelt), dated 25 May 2021

Heritage NSW has reviewed the sections relevant to Aboriginal cultural heritage (ACH) of the Response to Submissions Report prepared by Umwelt. It is noted that an ACHAR was prepared for the subject site in 2016 by Niche. This included an archaeological investigation completed in accordance with the *Code of Practice for the Investigation of Aboriginal Objects in NSW* (2010) and Aboriginal community consultation in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010). The ACHAR meets the requirements of the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (2011). The ACHAR was reviewed by the former OEH during the EIS exhibition period in 2016. No recommendations were provided at that time.

It is understood that the project proposal was reassessed, and a number of modifications were made based on responses to the EIS. The Response to Submissions report provides an updated environmental assessment. An updated ACHAR was not undertaken for the Response to Submissions report.

Heritage NSW supports the proposed management and mitigation measures provided in Section 6.12.5 and 8.1.12 of the Response to Submissions Report and Section 16 of the ACHAR. However, it is unclear whether consultation has been undertaken with the Registered Aboriginal Parties on the changes made since 2016.

Heritage NSW provides the following comments:

- The Aboriginal Cultural Heritage Management Plan should be prepared in consultation with Registered Aboriginal Parties.

- The arborist report for AHIMS site #38-4-0217 should be submitted to AHIMS and the site feature updated to “not a site”.
- The project boundary assessed in the ACHAR is different to the project boundary in the Response to Submissions report. Any additional areas that have not been assessed will require assessment in accordance with the project SEARs. This may require additional archaeological investigation and consultation with the Registered Aboriginal Parties.

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



Dr Samantha Higgs
Senior Team Leader, Aboriginal Cultural Heritage Regulation - North
Heritage NSW
29 June 2021