

Our ref: HMS ID 13016

Jack Turner  
Planner  
Department of Planning, Housing and Infrastructure  
jack.turner@planning.nsw.gov.au

Letter uploaded to the Major Projects Planning Portal

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## Advice on Modification Report – State Significant Development

**Proposal:** Mod 8 - Link Road Realignment Adjustment (SSD-5170-Mod-8)

**Major Project reference:** SSD-5170-Mod-8

**Received:** 11 December 2025

Dear Jack,

Thank you for your referral seeking advice on the above State Significant Development (SSD) modification proposal.

In preparing this advice Heritage NSW has reviewed the following documents:

- Relevant sections of *Modification Report Bengalla Mine* - prepared by Xenith, dated 28 November 2025.
- *Bengalla Mine Modification Aboriginal Cultural Heritage Assessment Report (ACHAR)* - prepared by OzArk Environment and Heritage, dated 29 October 2025.
- *Bengalla Aboriginal Cultural Heritage Management Plan (ACHMP)* – prepared by Bengalla Mining Company, dated 2017.

The ACHAR has been prepared in reference to the relevant guidelines as required by the Secretary's Environmental Assessment Requirements (SEARs). Recommended Draft Conditions of Approval have been provided in **Attachment A**.

Please note that this advice relates only to Aboriginal cultural heritage regulation matters. If you have any questions about this correspondence, please contact Sarah McGuinness, Senior Assessments Officer at Heritage NSW on (02) 9873 8500 or [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au)

Yours sincerely,

*James Cole*

James Cole  
A/Practice Lead - Major Projects  
Heritage NSW  
Department of Climate Change, Energy, the Environment and Water  
As Delegate under *National Parks and Wildlife Act 1974*  
4 February 2026

## Attachment A - Recommended Draft conditions for Aboriginal cultural heritage

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

### Aboriginal cultural heritage

1. All reasonable steps must be taken so as not to harm, modify or otherwise impact Aboriginal objects except as authorised by this approval.
2. The Registered Aboriginal Parties (RAPs) must be kept informed about the SSD. The RAPs must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the SSD.
3. Landowners within the project area boundary should be made aware of the Aboriginal heritage sites present on their properties and should be made aware of their responsibilities under the *National Parks and Wildlife Act 1974*.

### Aboriginal Cultural Heritage Management Plan

4. Prior to carrying out any development, the Bengalla Aboriginal Cultural Heritage Management Plan (ACHMP) should be updated in consideration of the proposed modification works. The update should:
  - a. be prepared by a suitably qualified and experienced person;
  - b. be prepared in consultation with the RAPs and reviewed by Heritage NSW;
  - c. include a description of the measures (and associated methodologies) that would be implemented for (where relevant):
    - i. surface collection of sites within the project area;
    - ii. post-excavation analysis and reporting of any archaeological works;
  - d. ongoing consultation with RAPs during the implementation of the updated ACHMP;

Following the Planning Secretary's approval, the Applicant must implement the Heritage Management Plan.