

Our ref: HMS ID 13612

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Letter uploaded to the Major Projects Planning Portal

Advice on Modification Report – State Significant Development

Proposal: Muswellbrook Battery Energy Storage System

Major Project reference: SSD-29704663-Mod-1

Received: 10 February 2026

Dear Ms Jackel,

Thank you for seeking advice from Heritage NSW on the above State Significant Development (SSD) modification proposal. In preparing this advice Heritage NSW has reviewed the following documents:

- Relevant sections of *Muswellbrook Bess Pty Ltd Muswellbrook Battery Modification Application* (Modification Report) - prepared by Premise, dated 27 November 2025.

Heritage NSW understands that the modification includes, among other elements, minor changes to road access with associated upgrade works, and an amendment to the extent of the recorded Aboriginal site AHIMS 37-2-5953 / Muswellbrook Bypass AFT 2 as shown in Appendix 6 of the Development Consent for the project.

The Modification Report states that these proposed changes will not result in a changed impact to Aboriginal cultural heritage, and that no revision of mitigation measures is required. Heritage NSW notes that the Modification Report does not include evidence of consultation with the Registered Aboriginal Parties (RAPs) for the project.

Given that the proposed modification will include changes to the approved impacts of the project, and an amendment to the identified extent of a recorded Aboriginal site in the Development Consent, Heritage NSW recommends that Planning require the proponent to undertake the following action prior to determination:

1. Provide a project update to the RAPs for consultation and address any responses received. The response from the proponent to the Department should include a copy of the project update and evidence of all correspondence with the RAPs.

This approach will ensure that the RAPs are provided with relevant information and an opportunity to provide input to the management of Aboriginal cultural heritage for the project, and that ongoing consultation is maintained.

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

Yours sincerely,

Alison Lamond

Alison Lamond
Strategic Manager – Major Projects
Heritage NSW
Department of Climate Change, Energy, the Environment and Water
As Delegate under *National Parks and Wildlife Act 1974*
20 February 2026