

Our ref: HMS ID 13882

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Advice on Response to Submissions & Amendment Report – State Significant Infrastructure

Proposal: Hunter Transmission Project

Major Project reference: SSI-70610456

Received: 3 March 2026

Dear Kurtis,

Thank you for your referral seeking advice on the Response to Submissions (RTS) and Amendment Report for the above State Significant Infrastructure proposal.

Overview of previous advice, project amendments and further assessment

Heritage NSW's advice on the Environmental Impact Statement (EIS) identified key matters requiring resolution prior to project determination. These issues included concerns about the amalgamation of Aboriginal sites, interactions with other sites and lands subject to separate approvals, the need for improved site mapping, assessment of impacts (including indirect impacts), and management and mitigation strategies. The advice also requested additional Aboriginal consultation documentation and recommended completion of Aboriginal Heritage Information Management System (AHIMS) site card updates to ensure legislative compliance (23 September 2025; ref: HMS 11587).

Since our previous advice, Heritage NSW understands that targeted amendments have been made to the proposal in response to submissions, further design development and additional investigations. These amendments are understood to include, but not be limited to, realignment of the transmission line at Mount Thorley and Gouldsville, expansion and design changes at the Eraring substation, changes to laydown areas and disturbance extents within State forests, and changes to access tracks, roads and construction logistics. Collectively, these amendments are understood to result in a small net increase in the construction and operational impact areas.

An Addendum Aboriginal Cultural Heritage Assessment Report (Addendum ACHAR), prepared by EMM Consulting Pty Ltd (Rev 6, 17 February 2026), addresses comments on the EIS and documents additional assessment activities, including field surveys and test excavations, as well as Aboriginal community consultation associated with the amended project and is provided as Appendix F of the Amendment Report. It is understood that test excavations remain ongoing, and the applicant has

committed to finalising these field assessment works during detailed design and/or preparation of the Aboriginal Cultural Heritage Management Plan (ACHMP) in line with updated mitigation measures in Chapter 9 of the Addendum ACHAR, which establish a framework for post-approval management.

Heritage NSW's Aboriginal heritage advice on RTS and Amendment

Heritage NSW acknowledges the additional assessment in the Addendum ACHAR and the effort reflected in this work. The applicant has largely addressed the key matters raised in our previous advice, particularly through de-amalgamating background scatters into discrete sites for assessment and management; reassessing the status and management of sites previously classified as “assumed destroyed”; incorporating additional survey and test excavation results to address identified gaps; refining modelling of the Warkworth Sand system; and applying a more differentiated impact assessment and mitigation framework within the amended project footprint. We also note the applicant’s continued effort to avoid Aboriginal sites of high and moderate significance, with the number of sites committed for avoidance increasing from five to twenty.

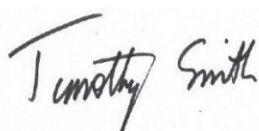
Notwithstanding these improvements, Heritage NSW has identified several outstanding concerns that require further management commitments and supporting documentation prior to project determination. These concerns relate principally to the extent of potential impacts to known Aboriginal sites of high and moderate significance and to untested areas of the Warkworth Sand system as a finite, regionally significant resource; the absence of a clearly documented and enforceable approach to managing Aboriginal heritage during Early Works; and the need to further refine management commitment wording, particularly regarding Aboriginal community consultation.

Detailed advice on these matters is provided in **Attachment A**. Heritage NSW considers that these matters be addressed through revised and strengthened Aboriginal heritage management commitments prior to determination and secured through robust and enforceable consent conditions should the project be approved. Accordingly, it is recommended that the Department require the applicant to revise the updated Aboriginal heritage mitigation measures in Appendix D of the Amendment Report to address these matters prior to project determination.

In addition, Heritage NSW has identified a number of discrepancies, errors and outstanding administrative issues, as detailed in **Attachment B**. It is recommended that the Department require the applicant to confirm resolution of these matters in all subsequent project documentation to ensure legislative compliance and minimise compliance risk.

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

Yours sincerely,



Tim Smith OAM

Director Assessments – Heritage NSW

Department of Climate Change, Energy, the Environment and Water

As Delegate under *National Parks and Wildlife Act 1974*

17 March 2026

Attachment A – Detailed advice on Aboriginal heritage matters for SSI-70610456

Aboriginal heritage matters to be addressed through revised and strengthened Aboriginal heritage management commitments (Appendix D of the Amendment Report) prior to determination to enable these commitments to be secured through robust consent conditions, should the project be approved.

1. Avoidance options analysis for Aboriginal sites of high and moderate significance

Notwithstanding the project's commitment to avoid 20 Aboriginal sites of high or moderate significance and to continue exploring opportunities to reduce impacts through future micro-siting, the current impact assessment indicates that the project would result in partial or complete harm to ~61% of known high significance sites (n=14) and ~83% of known moderate significance sites (n=67). This includes highly significant Pleistocene cultural deposits HTP-N-FA01 (#37-6-4671) and HTP-N-FA02 (#37-6-4668), as well as regionally rare culturally modified trees Campbells Springs Track (#37-6-0553) and HTP-C-CMT05 (#37-6-4483), contributing to cumulative impacts of regional concern.

Heritage NSW considers that the current proposed harm to a high proportion of Aboriginal sites of high and moderate significance is inconsistent with the objects and intent of the *National Parks and Wildlife Act 1974* and the *Environmental Planning and Assessment Act 1979*, which establish a clear statutory hierarchy requiring that the protection of, and avoidance of harm to, Aboriginal objects and places - particularly those of high significance - is paramount and must be prioritised before any consideration of harm-based mitigation.

While the Amendment Report states that avoidance of Aboriginal cultural heritage informed design refinements, this is not clearly or transparently demonstrated. For example, the removal of the laydown area at Trig Road / MF1 Road / North Road is cited as responding to Aboriginal heritage considerations, yet the report does not specify which sites are avoided by this change. Similarly, the assertion that complete avoidance of HTP-N-FA01 (#37-6-4671) and HTP-N-FA02 (#37-6-4668) is "not feasible" owing to their location at a river crossing and sharp bend is not supported by a detailed discussion of alternative options, as required by the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011).

Further, the justification for impacting two culturally modified trees (#37-6-0553 and #37-6-4483) departs from the position in the exhibited ACHAR that identified the loss of a single culturally modified tree would represent an 11 per cent reduction of this site type in the regional AHIMS record and constitute a regionally significant impact warranting avoidance. In the absence of clear justification and documented options analysis, it remains unclear whether all reasonable and feasible avoidance options have genuinely been exhausted and whether the proposed management through future micro-siting and mitigation measures is justified and appropriate in the context of all sites of high and moderate significance currently proposed for harm.

To address these concerns, Heritage NSW recommends the following revisions to management commitments:

- Update AH01 to require the preparation and approval of a site-specific avoidance and options analysis prior to any works that may impact Aboriginal sites of high or moderate significance. The analysis must demonstrate that all reasonable and feasible avoidance options have been tested and exhausted, including consideration of micro-siting and alignment alternatives, identification of the engineering and constructability constraints relied upon, evidence that avoidance informed

design refinement, plans showing site extent / curtilage, impact footprints and enforceable no-go zones; and justification of any residual impacts with site-specific minimisation measures commensurate with significance. The expectation is not that every alternative is adopted - rather, that the proponent shows a defensible process and a transparent rationale consistent with established avoidance / minimisation practices.

- AH02 currently states that “*direct and indirect impacts to all highly significant identified Aboriginal objects, sites and places ... will be avoided.*” This wording is potentially misleading, as it may be interpreted as a commitment to avoid all Aboriginal sites assessed as being of high significance, rather than only those sites specifically identified for avoidance by the project. To ensure clarity and avoid misinterpretation, Heritage NSW recommends that AH02 be revised to clearly identify that the avoidance commitment applies only to those sites explicitly nominated for avoidance in the Addendum ACHAR and/or those identified through the site-specific avoidance and options analysis to be included as being required under AH01.

2. Management of potential impacts to untested areas of the Warkworth Sand system

The Addendum ACHAR acknowledges that the Warkworth Sand system is a finite and regionally significant resource containing highly significant cultural deposits and that impacts to this system will have cumulative regional implications. Applying the refined disturbance-based approach to assessing impacts used in the Addendum, approximately 67 hectares (57 per cent) of the 117 hectares of predicted Warkworth Sand deposits within the amended project impact area are located within proposed disturbance areas, much of which remains untested. At the time of finalising the Addendum ACHAR, almost 60% of the proposed test excavations had not been completed.

The current post-approval management approach relies on future testing and salvage, with limited provision for reassessing significance, consulting Registered Aboriginal Parties and Heritage NSW, and genuinely considering avoidance should further highly significant deposits be identified. In addition, Appendix E (Post-approval requirements – updated guiding principles), including Section E.3.2, does not establish a clear hold-point between investigation and salvage, nor does it require an avoidance options analysis to be undertaken and approved prior to harm occurring (whether through harm-based mitigative salvage or construction), leaving no clear and enforceable mechanism to manage the risk associated with approving impacts to untested portions of a finite and regionally significant resource.

- To address this concern, Heritage NSW recommends that commitments for managing untested areas of the Warkworth Sand system be secured by updating AH05 to explicitly align with AH01 and AH02, including a mandatory hold-point between investigation / testing and any salvage works. This hold point should require reassessment of Aboriginal heritage significance, consultation with Aboriginal stakeholders, and preparation and approval of a site-specific avoidance and options analysis (consistent with AH01, as revised) demonstrating that reasonable and feasible avoidance has been considered and exhausted prior to authorising any impacts to significant buried cultural material identified within untested Warkworth Sand deposits. Avoidance commitments under AH02 must apply to those deposits and sites confirmed for avoidance through this process.

3. Management of potential impacts to Aboriginal heritage not previously assessed

Management commitment AH06 states that where ground-disturbing activities are required outside the previously assessed area, additional assessment will be undertaken in accordance with the approaches and investigative methods set out in AH04 (the ACHMP). Where no Aboriginal sites are identified or where identified items would not be impacted, the current approach proposes that a letter report be prepared by an Aboriginal heritage specialist documenting the findings and providing clearance to proceed, with the report provided to the Registered Aboriginal Parties (RAPs) for information and records. Conversely, where Aboriginal objects, sites or places would be impacted, it is proposed that these be integrated and managed under the ACHMP. This approach, however, creates an unacceptable risk of harm to currently unknown Aboriginal sites of high or moderate significance as it does not include a clear and enforceable hold-point between investigation and harm. RAPs must be involved in determining the significance of Aboriginal objects, sites and places and provided with a meaningful opportunity to contribute to the identification and evaluation of avoidance and management options prior to any clearance, salvage or harm occurring.

- Heritage NSW recommends that AH05 and AH06 be updated to include an explicit commitment that additional archaeological assessment and Aboriginal stakeholder consultation be undertaken for all archaeological investigation not completed prior to determination and/or where the extent of impacts has increased following the final design and prior to construction phase of the project. Prior to the commencement of any ground-disturbing or construction activities within the project area, the outcomes of the additional assessment must be documented in an Addendum ACHAR and provided to Heritage NSW and the RAPs for review and comment. The Addendum ACHAR must demonstrate that all comments, recommendations and/or concerns from the RAPs are adequately addressed and Heritage NSW reserves the right to modify any proposed site-specific salvage methodologies.

4. Aboriginal heritage management during Early Works

Section 6 of the Amendment Report indicates that Early Works will be undertaken prior to the main construction phase, likely involving ground-disturbing activities such as establishing construction support sites, temporary worker accommodation, laydown areas, road and intersection upgrades, and access track works. As these activities would presumably occur prior to finalisation of the construction Aboriginal Cultural Heritage Management Plan (ACHMP), it is currently unclear which Aboriginal sites may be affected and how they will be protected or managed at this stage. To address this risk, Heritage NSW requests that the applicant:

- Clarify the timing of any Early Works Management Plans (including drafting, review, implementation, and expiration), confirm the provisions within the plan that will relate to Aboriginal cultural heritage, and outline the consultation that will be undertaken with the RAPs on the management measures contained within the plan.
- Clearly identify all Aboriginal sites located within areas subject to Early Works, amend the management and mitigation measures to explicitly include “Early Works” in the timing column, and update the impact assessment accordingly to ensure appropriate and enforceable heritage protection and management where required prior to commencement of Early Works.

5. Aboriginal community consultation alignment with Consultation Guidelines

The current wording in the updated Management Measures, including references to "Wonnarua, Awabakal and Darkinjung Traditional Owners" or "key registered Aboriginal parties" or "locally based Traditional Owners", risks being construed as limiting consultation to a subset of Aboriginal groups which is inconsistent with the *Aboriginal cultural heritage consultation requirements for proponents 2010* (the Consultation Guidelines). For avoidance of doubt, consultation is distinct from employment or engagement for fieldwork, site monitoring or assessment activities, and any contractual arrangements for the provision of services by Aboriginal people are separate from Aboriginal community consultation and remain at the discretion of the proponent consistent with Section 3.4 of the Consultation Guidelines. Notwithstanding this distinction, all RAPs must be afforded a genuine and reasonable opportunity to contribute to decisions relating to the management of Aboriginal cultural heritage. Revision to current wording of the management measures is necessary to avoid confusion regarding RAP involvement and to address concerns raised by RAPs regarding the consultation process adopted for the project.

- Heritage NSW recommends updating the wording of the Management Measures, specifically AH03, AH04 and AH11, to refer to 'Registered Aboriginal Parties' consistent with the Consultation Guidelines and the community consultation program completed for the project.

6. Clarification regarding potential overlap with Indigenous Land Use Agreement (ILUA)

The Amendment Report notes that the expanded Eraring substation footprint intersects a registered Indigenous Land Use Agreement (ILUA NIA2000/001) and indicates that consultation with the relevant ILUA parties will occur during detailed design; however, this obligation is not acknowledged or addressed in the Addendum ACHAR or the current heritage management framework.

- Heritage NSW requests clarification as to why the ILUA intersection and associated consultation requirements have not been identified, including whether any Aboriginal sites are located within land covered by the ILUA. Where applicable, AH12 should be reviewed and updated to explicitly reflect ILUA-related consultation and management obligations and to ensure these requirements are addressed prior to works. Heritage NSW also recommends that consultation with the relevant ILUA party/parties and signatories be commenced at this stage to ensure that any ILUA requirements are clearly identified and appropriately addressed.

Attachment B – Discrepancies, errors and administrative matters for SSI-70610456

The following discrepancies, errors and administrative matters were identified by Heritage NSW and must be resolved in all subsequent project documentation to ensure legislative compliance and minimise compliance risk.

1. Section 6.3 of the Addendum states that the original background scatter registrations HTP-N-BS1 (#37-5-0991), HTP-C-BS1 (#45-3-5011) and HTP-S-BS1 (#45-5-5012) [sic] have been declassified on AHIMS; however, the site card updates dated 13 October 2025 do not achieve declassification and the records remain valid on AHIMS as at March 2026. Updated site cards must be submitted to amend the site status to “not a site” prior to project determination to avoid ongoing post-approval management obligations. Section 6.3 also cites an incorrect AHIMS ID for HTP-S-BS1, which should be #45-3-5012.
2. The Submissions Report indicates that our previous requests for AHIMS updates have been addressed; however, several items remain unresolved as of March 2026. Accurate AHIMS records are required to minimise compliance risk, and support reliable predictive modelling, cumulative impact assessment, and appropriate management and mitigation. Heritage NSW therefore reiterates the following required updates:
 - a. Correct the AHIMS location data for BOP-OS8 (#37-6-2842).
 - b. Amend the AHIMS classification of HTP-C-CP01 (Flat Rock cultural landscape) (#45-3-5003) and HTP-N-CVM01 (Hunter Crossing) (#37-6-4493) from “enclosed shelters” to “open context” sites.
 - c. Reinstate BDS15 (#37-6-1979) and BOP-IF6 (#37-6-2833) as ‘valid’ sites and record the additional artefacts consistent with Appendix F.3 of the exhibited ACHAR, which identified artefacts at these locations despite previous salvage. We note that BOP-IF6 (#37-6-2833) is within the amended project impact area but remains listed as destroyed in Appendix D of the Addendum.
 - d. Update the AHIMS records for Heatherlea (#37-6-0010), Upper Saddler's Creek (#37-2-0024) and Sandy Creek; Sunday Creek (#45-3-0905) to reflect their status as ‘Destroyed’.
3. Several rock shelters assessed as not meeting the criteria for classification as Aboriginal objects remain registered on AHIMS as valid sites containing PAD and/or Art (e.g. HTP-S-RS14 [#45-3-5036]). These discrepancies must be resolved prior to determination by either declassifying the records as “not a site” on AHIMS or including affected shelters in the project’s management measures where direct or indirect impacts are possible. Table D.5 of the Addendum ACHAR and the relevant AHIMS records must be reviewed and corrected accordingly.
4. HTP-N-AS55 (#37-6-4563) and HTP-C-AS55 (#37-6-4643) are registered on AHIMS at the same location, indicating a location error for one of the sites. Only HTP-N-AS55 (#37-6-4563) has been included in the Addendum ACHAR and proposed for impact. The location data for both sites must be reviewed and corrected, the AHIMS records updated accordingly, and both sites included in project management measures where potential impacts may occur.
5. Although the Submissions Report states that FF6 (#37-6-0724) was reassessed and the glass item determined to be non-artefactual, the AHIMS record has not been updated, and conflicting significance rating (‘low’, ‘moderate’ and ‘high’) are presented across the Submissions Report and

Table D.6 and Table D.9 in the Addendum ACHAR. These inconsistencies must be resolved and the AHIMS record updated.

6. While the Addendum acknowledges that some Aboriginal sites previously approved for avoidance under other approvals would now be impacted, it does not clearly identify all affected sites, explain how conflicts with existing approvals or heritage management plans will be resolved (beyond application of the current project's own mitigation framework), or outline notification arrangements for affected approval holders or land managers. Subsequent documentation (i.e., the ACHMP) must explicitly identify affected sites and document how changes to site management will be addressed and communicated.
7. Several artefact-bearing test pits identified during post-EIS testing are not captured within mapped site boundaries in Figure 5-7 and Table 5.6 of the Addendum ACHAR (e.g. Test pit 157-8 in Map 3; Test pits 155-13, 155-16 and 155-17 in Map 4; Test pits 141-16 and 141-21 in Map 5; Test pits 140-7, 140-13, 140-20 in Map 6; Test pit 136-9 in Map 7). Subsequent documentation must either incorporate these areas within existing site boundaries or register them as new sites for management.
8. Clarify why test pit 134-9 (Figure 5-7, Map 8) has been recorded as a separate site (HTP-N-FA05 #37-6-4672) despite being located within the mapped extent of HVO-1691 (#37-6-4069), including justification based on stratigraphy, assemblage or occupational phase.
9. HTP-C-RS19 (#37-6-4552) has not been included in the Addendum ACHAR as requiring management or mitigation despite being within 55 m of the amended project impact area and susceptible to indirect impacts from vibration. This omission must be addressed.
10. 'HTP-S-RS13' is incorrectly registered on AHIMS as 'HTP-S-RS113'. The site name for #45-3-5046 must be corrected in AHIMS and all subsequent documentation.
11. The site name for AHIMS #45-3-5007 is incorrectly listed in Appendix E. The correct site name is HTP-S-RS16. Ensure this error is corrected and not carried forward.
12. The AHIMS ID for HTP-N-AS26 in Appendix D is incorrect (listed as #37-6-4953 but should be #37-6-4593). Ensure this error is corrected and not carried forward.
13. The AHIMS ID for HVO-1309 in Appendix D is incorrect (listed as #37-6-3451 but should be #37-6-3452). Ensure this error is corrected and not carried forward.
14. Appendix E '*Post approval requirements – updated guiding principles*', Section E.3.2 '*Methods for identified site types*' omits several sites requiring management:
 - a. Section iv (*Management of rockshelters*) must include the following rockshelters with PAD proposed for impact: HTP-C-RS44 (#37-6-4554), HTP-C-RS45 (#37-6-4674), HTP-C-RS17 (#37-6-4562), and HTP-C-RS03 (#37-6-4679).
 - b. Section vi (*Management of sub-surface cultural deposits*) must include the following isolated and low-density artefact sites with PAD proposed for impact: HVO-1367 (#37-6-3509), HVO-1360 (#37-6-3502), MTW-474 (#37-6-3163), MTW-475 (#37-6-3162), MTW-476 (#37-6-3161), MTW-477 (#37-6-3160), MTW-478 (#37-6-3159) and MTW-481 (#37-6-3156).