

**From:** [Nicole Davis](#)  
**To:** [Jack Turner](#)  
**Subject:** Heritage NSW - Advice on Amendment Report - Aboriginal Cultural Heritage (ACH) - Kurri Kurri Lateral Pipeline Project - (SSI-22338205) (Cessnock City, Maitland City, Newcastle City)  
**Date:** Monday, 17 October 2022 4:53:00 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
**Importance:** High

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Dear Jack,

Heritage NSW has reviewed the following documents with respect to Aboriginal cultural heritage (ACH):

- Kurri Kurri Lateral Pipeline Project - Aboriginal Cultural Heritage Assessment Addendum (Appendix C4) Final, Prepared by Umwelt (Australia) Pty Limited, on behalf of APA Group, September 2022.
- Kurri Kurri Lateral Pipeline Project - Submissions Report - Final - Prepared by Umwelt (Australia) Pty Limited, on behalf of APA Group, September 2022.

Kurri Kurri Lateral Pipeline Project - Aboriginal Cultural Heritage Assessment Addendum (Appendix C4) Final, Prepared by Umwelt (Australia) Pty Limited, on behalf of APA Group, September 2022

I note that there have been changes to the proposed alignment based on land holder access, environmental constraints and general project refinements, and that the portions of the amendment area, that were outside the initial assessment footprint, have now been surveyed and assessed in consultation with Registered Aboriginal Parties (RAPs) for the project. I note that the project will now avoid impacts to some previously listed ACH sites, however, it will impact to numerous different ACH sites (artefact scatters and isolated finds) and some new areas of identified Potential Archaeological Deposit (PADs). The submissions report outlines that all sites will be managed consistently, in line with the approach documented in the initial Aboriginal Cultural Heritage Assessment Report (ACHAR), submitted with the EIS.

- Heritage NSW had no additional comments or concerns in relation to proposed amendment area and potential impacts, as outlined in the submissions report.

#### Section 6 - Impact Assessment

I do note that in the Section 6 - Impact Assessment, Table 6.1 - Aboriginal sites at risk of impact (pp. 51-53), that the data does not correlate with the text provided. Table 6.1 lists 4 new PADs as being subject to impact (KKLP PAD8, 10, 11 and 12) however, the text in Section 6 only references KKLP PAD8 and PAD10. Similarly, Table 6.1 lists 4 additional sites that will subject to impact, however, the text only refers to one site.

- Heritage NSW recommends that this be rectified to ensure all impacts to all ACH sites are accounted for and included in any associated conditions of consent.

#### Section 7 - Mitigation and Management Strategies and Section 8 - Recommendations

I also note that the data accuracy issues from Section 6 continue in Section 7 - Mitigation and Management Strategies and Section 8 - Recommendations, which refers to the PADs by survey unit not by PAD name.

- Heritage NSW recommends that the tables are updated and corrected to ensure that any proposed approval conditions capture all ACH sites and PADs that maybe impacted.

#### 4.7 Heritage NSW

##### 4.7.1 Aboriginal Cultural Heritage Assessment

I note that Heritage NSW provided to following recommendations in addition to the management and mitigation measures included in the ACHAR and EIS.

##### Recommendation 1

Heritage NSW requires the track logs and/or location of transects surveyed to assess the thoroughness of the archaeological survey. Please provided detailed mapping of the extent of survey units, landforms surveyed, and the areas within the units subject to survey. These maps should be presented at an appropriate scale to the survey unit.

I note that, an updated survey map, including survey tracklogs and survey unit details, is provided in the ACHA Addendum (refer to Figures 4.1A to 4.1F in Appendix C4 of the Amendment Report). It is noted that only the archaeologists participating in the survey were carrying GPS devices and the areas were surveyed, with the Registered Aboriginal parties spaced at appropriate intervals (as described in detail in the ACHA Addendum) to ensure adequate coverage.

- Heritage NSW is satisfied that Recommendation 1 has been appropriately resolved by the applicant.

##### Recommendation 2

Please clarify the areas not subject to survey and outline provisions within the Aboriginal Cultural Heritage Management Plan for the thorough and complete assessment of the proposed development

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I note that Figures 4.1A to 4.1F of the ACHA Addendum (refer to Appendix C4 of the Amendment Report) have been produced to clearly delineate areas that were not surveyed during the ACHAR fieldwork stage. These were areas that had previously been subject to the ACHA process and approved for disturbance as part of previous developments or were within the same landforms as Potential Archaeological Deposits (PAD) recorded as part of the Project and could reasonably be assumed to also be PAD. The rationale for not surveying these areas has been discussed in Section 5 of the ACHAR (refer to Appendix 6 of the EIS).

Kurri Kurri Lateral Pipeline Project Response to Agency Submissions 21450\_R12\_Submissions Report\_Final\_V1.0 31 As described in Section 5 of the ACHA, the areas of PAD will be investigated through the Aboriginal Cultural Heritage Management Plan (ACHMP) process, with investigations to be completed prior to Project disturbance in those areas. The ACHMP will also include a protocol for unexpected finds to be implemented during the construction phase. It is noted that this approach was outlined in the ACHA which was provided to the RAPs for comment and no feedback was provided on this approach

- Heritage NSW is satisfied that Recommendation 2 has been appropriately resolved by the applicant.

##### Recommendation 3

Heritage NSW generally recommends that all assessment should be undertaken prior to the approval of impacts to Aboriginal cultural heritage. Without adequate and complete assessment, in this instance subsurface testing, to establish the cultural significance it cannot be demonstrated that more places of significance or places which may further enhance the

significance of the known Aboriginal cultural heritage in the area will not be found. The Registered Aboriginal Parties (RAPs) could also not have provided informed comments on the project. However, in this instance Heritage NSW, in consultation with DPE and the proponent – will allow test excavations to occur post approval and as per the Aboriginal Cultural Heritage Management Plan (ACHMP).

- Heritage NSW concurs that test excavation can occur post approval and as per the Aboriginal Cultural Heritage Management Plan (ACHMP), and that Recommendation 3 has been appropriately resolved by the applicant.

#### Recommendation 4

##### Post Approval

Heritage NSW recommends the ACHMP should be included in the Conditions of Approval and that an ACHMP be created and approved by Department of Planning and Environment prior to any development activities occurring within the project area.

I note that that the applicant has committed to the development and implementation a ACHMP, in consultation with relevant stakeholders, is included in the EIS as mitigation measure AH02.

- Heritage NSW is satisfied that Recommendation 4 has been appropriately addressed by the applicant.

If you require any further information, please contact me directly. I shall upload this email to the MPP this afternoon.

Kind Regards  
Nicole Davis

Nicole Davis  
Manager Assessments  
Heritage NSW  
**Department of Planning and Environment**

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**Working Days** Monday to Friday



I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

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**From:** no-reply@majorprojects.planning.nsw.gov.au <no-reply@majorprojects.planning.nsw.gov.au>

**Sent:** Tuesday, 4 October 2022 12:55 PM

**To:** Andre Quinon <[andre.quinon@environment.nsw.gov.au](mailto:andre.quinon@environment.nsw.gov.au)>; Erin McWhirter <[Erin.McWhirter@environment.nsw.gov.au](mailto:Erin.McWhirter@environment.nsw.gov.au)>; Sirena Larsson

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**Cc:** Mandana Mazaheri <Mandana.Mazaheri@planning.nsw.gov.au>

**Subject:** Major Projects – New Request for Advice - Kurri Kurri Lateral Pipeline Project (SSI-22338205) (Cessnock City, Maitland City, Newcastle City)

The Department has sent you a request for advice in relation to the Kurri Kurri Lateral Pipeline Project. The due date for this request is 17/10/22.

Please sign in to your account to view the details of this request and to upload your advice.

If you have any enquiries, please contact Mandana Mazaheri on 02 9995 5093 /at [mandana.mazaheri@planning.nsw.gov.au](mailto:mandana.mazaheri@planning.nsw.gov.au).

To sign in to your account click [here](#) or visit the [Major Projects Website](#).

Please do not reply to this email.

Kind regards

The Department of Planning and Environment



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