



Iwan Davies
Director Energy Assessments
Department of Planning & Environment
Email: iwan.davies@planning.nsw.gov.au

Your reference: SSI-10033
Our reference: DOC22/988701

Dear Iwan,

**Advice on Environmental Impact Assessment – State Significant Infrastructure – Shoalhaven
Hydro Expansion Project – Main Works – SSI-10033**

Thank you for your referral uploaded to the Major Projects Portal on 8 November 2022 seeking advice on the above State Significance Development (SSD) proposal. In preparing this advice I have reviewed the following documents:

- Shoalhaven Hydro Expansion Project – Main Works: Environmental Impact Assessment – prepared by Jacobs (Australia) Pty Ltd, dated November 2022
- Appendix G – Aboriginal Cultural Heritage Assessment Report – prepared by Jacobs (Australia) Pty Ltd, dated November 2022

The Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared in reference to the relevant guidelines as required by the SEARs. Based on the current state of the archaeological investigation, Heritage NSW agrees with the management recommendations outlined in the ACHAR. However, clarification is required within the ACHAR to determine if additional works are required to ensure Aboriginal cultural heritage has been thoroughly assessed and conserved.

We have included detailed advice in **Attachment A** and recommended draft Conditions of Approval in **Attachment B**. Heritage NSW is available to provide further advice on any additional assessment work conducted. Please note that the above comments relate only to Aboriginal cultural heritage regulation matters. Heritage NSW may provide separate comments in relation to environmental heritage considerations.

If you have any questions regarding these comments, please contact Corey O'Driscoll, Senior Assessments Officer, at Heritage NSW on 6229 7079 and corey.odriscoll@environment.nsw.gov.au

Yours sincerely

Nicole Davis
Manager Assessments
Heritage NSW
Department of Planning and Environment
(As Delegate under *National Parks and Wildlife Act 1974*)
Date: 6 December 2022

Attachment A – Detailed Aboriginal Cultural Heritage Advice

Aboriginal Cultural Heritage Assessment Report (ACHAR)

- Please clarify whether investigation and survey were undertaken along the proposed tunnel alignment to identify any rockshelters, grinding grooves, and scarred trees that may be impacted through vibrations resulting from construction of the tunnel. Further, please clarify to what extent it is expected that vibrations from tunnel construction will impact the surface.
- Please provide survey track logs, as per Requirement 5 of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (2010), to enable Heritage NSW to assess the efficacy of the survey coverage.
- Please clarify the proposed impacts from the trail upgrade and widening (e.g., extent of widening, location of laydown/passing areas) and whether there are any surface impacts proposed through the construction of the access tunnel and powerhouse access.

Areas of Potential Archaeological Deposit and Archaeological Investigation

- Please clarify how the extent of the potential archaeological deposit (PAD) associated with Bendeela Hydro AS01 (AHIMS ID 52-4-0729) was determined.
- Please provide further explication on the test excavations undertaken in 2019 at Bendeela Hydro AS01 (AHIMS ID 52-4-0729). It is unclear from the description in the ACHAR whether these test excavations were undertaken in compliance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (2010). Further information should include:
 - Details of consultation and test excavation methodology as per Requirement 15 of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (2010).
 - Details, including report, as per Requirements 16 of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010) and information on if an Aboriginal cultural heritage site was registered with the Aboriginal Heritage Information Management System (AHIMS) following the test excavations.
 - The approximate location of the test excavation units mapped in association with the 2022 test excavations.
 - Please clarify how the low number of artefacts relate to the higher number recovered in 2022 and whether this change in artefact density is related to landform.
- Please clarify whether the heat affected find found along the access trail is a heat affected flaked lithic or non-anthropogenically modified heat shatter.

Aboriginal Cultural Heritage Management Plan (ACHMP)

- The ACHAR recommends that an ACHMP be developed and implemented for the project. 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. Recommended conditions for an ACHMP have been included in **Attachment B**.
- The ACHAR and ACHMP must take into consideration secondary impacts (e.g., road grading, road widening, public road upgrades, compaction, erosion) and long-term conservation options to areas of PAD and artefact sites within and adjacent to the

project area. Avoidance of ACH does not denote its long-term conservation and protection.

- The ACHAR states that protocols for the salvage excavations to be undertaken at Bendeela Hydro AS01 (AHIMS #52-4-0729) will be included in the ACHMP. Heritage NSW requires additional information prior to any approvals on the nature of the salvage excavations to ensure their adequacy, including:
 - Location of salvage units in relation to test excavations;
 - Proposed extent of salvage excavations;
 - Procedures for salvage excavations;
 - Triggers for the expansion and cessation of excavation units; and
 - Provisions for dating relevant materials.



ATTACHMENT B: RECOMMENDED DRAFT CONDITIONS FOR ABORIGINAL CULTURAL HERITAGE

Below are our recommended draft conditions for the protection of Aboriginal Heritage and the implementation of an Aboriginal Cultural Heritage Management Plan.

Aboriginal 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 SSI. The RAPs must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the SSI.

Aboriginal Cultural Heritage Management Plan

- 3) Prior to carrying out any development, the Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:
 - a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
 - b) be prepared in consultation with Heritage NSW and Aboriginal Stakeholders;
 - c) include a methodology for a test excavation and salvage excavation program with Aboriginal Stakeholder participation of sites to be impacted with consideration to understanding site characteristics, and local and regional archaeological context;
 - d) include a description of the measures that would be implemented for:
 - i) protecting the Aboriginal heritage items identified within the project footprint or items located outside the approved development footprint, including fencing off the Aboriginal heritage items prior to commencing construction;
 - ii) salvaging and relocating the Aboriginal heritage items located within the approved development footprint;
 - iii) salvaging, relocating or avoiding any Aboriginal heritage items located within the approved development footprint identified during test excavations of the site;
 - iv) include updated baseline mapping of the heritage items within and adjoining to the development disturbance area;
 - v) include updated mapping of all areas that have been and will be subject to monitoring, test excavations, and salvage excavations
 - vi) include conservation options for the mitigation and avoidance to impacts AHIMS registered sites situated within and outside the project footprint;
 - vii) prepare a methodology outlining when Registered Aboriginal Parties must be notified of changes to the Heritage Management Plan;
 - viii) include a procedure for assessing significance of Aboriginal Objects identified during the monitoring, test excavations, and salvage excavation and ensure that the management and mitigation measures are considered for all sites, and with special consideration for those of high significance;
 - ix) a strategy for the long-term management of any Aboriginal heritage items or material collected during the test excavation or salvage works;
 - x) a contingency plan and reporting procedure if:
 - (1) an Unexpected Heritage Finds and Human Remains Procedure must be prepared to manage unexpected heritage finds (heritage items and values) in accordance with any guidelines and standards prepared by Heritage NSW.

- (2) the Unexpected Heritage Finds and Human Remains Procedure must be prepared by a suitably qualified and experienced heritage specialist in relation to Aboriginal cultural heritage, in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (2010) and submitted to the Planning Secretary for information no later than one (1) month before the commencement of construction.
 - (3) the Unexpected Heritage Finds and Human Remains Procedure, as submitted to the Planning Secretary, must be implemented for the duration of construction.
- xi) ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions; and
- xii) ongoing consultation with Aboriginal stakeholders during the implementation of the plan; and
- e) include the completion of Aboriginal cultural heritage test and salvage excavations, an Aboriginal Cultural Heritage Excavation Report(s), prepared by a suitable qualified expert. The Aboriginal Cultural Heritage Excavation Report(s), must:
 - i) be prepared in accordance with the *Guide to Investigation, assessing and reporting on Aboriginal cultural heritage in NSW*, 2011 and the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, 2010; and
 - ii) document the results of the archaeological test excavations and any subsequent salvage excavations (with artefact analysis and identification of a final repository for finds).
 - iii) The RAPs must be given a minimum of 28 days to consider the report and provide comments before the report is finalised. The final report must be provided to the Planning Secretary, Heritage NSW, the relevant Councils, and the relevant Local Aboriginal Land Council, and the RAPs within 24 months of the completion of the Aboriginal archaeological collections and excavations (both test and salvage).
- f) where previously unidentified Aboriginal objects are discovered, all work must immediately stop in the vicinity of the affected area. Works potentially affecting the previously unidentified objects must not recommence until Heritage NSW has been informed. The measures to consider and manage this process must be specified in the Unexpected Heritage Finds and Human Remains Procedure required by Condition and include registration in the Aboriginal Heritage Information Management System (AHIMS).