

Our ref: HMS ID 11285

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Advice on Response to Submission – State Significant Development

Proposal: Huntlee New Town – Stage 2

Major Project reference: SSD-70748466

Received: 25 July 2025

Dear Renah,

Thank you for your referral seeking advice for the above State Significant Development Response to Submissions (RTS). Thank you for the continued opportunity to comment on the project.

In preparing this advice the following documents have been reviewed:

- Relevant sections of the Response to Submissions Report: Huntlee New Town Stage 2 – prepared by Ethos Urban Pty Ltd, dated 9 July 2025
- Appendix 7: Updated Aboriginal Cultural Heritage Assessment – Huntlee Village Stage 2/3, North Rothbury NSW – prepared by Niche Environment and Heritage Pty Ltd, dated 26 June 2025

Our previous advice on the Environmental Impact Statement (EIS) requested additional information to inform our advice to the Department of Planning, Housing and Infrastructure (DPHI) on whether the Aboriginal cultural heritage assessment process substantially complies with the Planning Secretary's Environmental Assessment Requirements (SEARs). Specifically we requested clarifications relating to the assessment of Aboriginal cultural heritage, the completion of test excavations to inform the assessment, additional mapping of Aboriginal cultural heritage sites, additional information relating to the proposed works, impact assessment and consideration of opportunities for conservation, updates to the significance assessment and management and mitigation measures, additional Aboriginal community consultation documentation and updated heritage register searches.

The information presented in the above RTS documents have addressed several of the key considerations raised by Heritage NSW on Aboriginal cultural heritage matters. However, the test excavation results presented in the Archaeological Report (Appendix A of the Aboriginal Cultural

heritage Assessment Report [ACHAR]) lack sufficient detail as required to meet the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* ('the Code of Practice'; DECCW 2010) and additional information and clarification is required in relation to a number of outstanding matters (as outlined in **Attachment A**). Without this information, Heritage NSW cannot provide final advice on the adequacy of the assessment with reference to the impacts to Aboriginal cultural heritage and the proposed management and mitigation of any such impacts.

Heritage NSW recommends that DPHI request that the applicant address the outstanding matters outlined in **Attachment A** prior to considering project approval. Following revision of the ACHAR to address the outstanding matters, Heritage NSW request the opportunity to undertake additional review and provide further advice.

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,

Alison Lamond

Alison Lamond
A/Strategic Manager
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13 August 2025

Attachment A – Outstanding Aboriginal cultural heritage matters – SSD-70748466

The below should be read in conjunction with the comments previously provided by Heritage NSW on the Environmental Impact Statement (EIS) (Advice letter dated 9 August 2024, ref: DOC24/583213-5).

HNSW previous comment #	HNSW comment on RTS	Outstanding matters to address
1	<u>Clarifications relating to the assessment of Aboriginal cultural heritage</u> The RTS response states that testing has been undertaken in areas identified as archaeologically sensitive and that may be subject to impacts. Heritage NSW notes, however, that information presented in the updated ACHAR indicates that no test pits were excavated within the sensitive area along Black Creek “due to extreme weather and flooding experienced in the Hunter region in May 2025” (Section 10.1 of the Archaeological Report [AR] provided as Appendix A to the ACHAR).	To address these outstanding matters please provide the following: - Clarify whether the ‘archaeologically sensitive areas’ that were identified in SU2 and SU3 in association with Black Creek and one of its tributaries still require testing. - Confirm whether these areas should be registered as potential archaeological deposits (PAD) on AHIMS. - Update the ACHAR to include an outline of the management measures that should be put in place to either conserve or mitigate harm to these ‘archaeologically sensitive areas’ should the proposed development be approved.
2	The RTS response confirmed that the location of the previously recorded Aboriginal sites within the Subject Area were revisited during the survey program. Heritage NSW notes, however, that the ACHAR has not been updated to include the results of these re-inspections. Establishing the location and extent of previously recorded sites is particularly important considering that the ACHAR proposes changes to the registered locations of several sites (e.g. AHIMS 37-6-1702 and 37-6-1927).	We reiterate our request that the ACHAR is updated with the results of the re-inspection of these previously recorded Aboriginal sites. This must include an update on the nature, extent and condition of these sites with updated data and mapping suitable to meet <u>Requirements 5b, 6 and 7 and Section 3 of the Code of Practice</u>.

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3	The RTS response states that the ACHAR has been amended to include 'PAD' in the site description for Aboriginal site '7832-20' (AHIMS 37-6-4354). Heritage NSW notes, however, that this has not been completed (e.g. see Table 2, Table 20, Table 21 in Updated ACHAR).	- Please update the ACHAR to include 'PAD' as a site feature of '7832_20' (AHIMS 37-6-4354) consistent with the RTS response. - Please provide evidence that the AHIMS site card for '7833_20' (AHIMS 37-6-4354) has been updated to include 'PAD' as a site feature.
4	<u>Test Excavations</u> While a program of test excavations has been completed, it is unclear why no testing occurred within '7833_20' (AHIMS 37-6-4354) and the ACHAR lacks sufficient detail as is required to demonstrate that the testing program was adequate to investigate the nature and extent of archaeological deposits within the impact area, support the assessment of significance and assist in determining the appropriateness of the proposed management and mitigation measures. More information and discussion is required to meet the requirements of the SEARs and the requirements of the Code of Practice. We further note that the Requirement 15C testing notification provided to Heritage NSW on the 29 April 2025 (our ref: DOC25/344040) contained a number of research questions which have not been mentioned or addressed in the ACHAR.	- Please clarify why no test excavations were completed within '7833_20' (AHIMS 37-6-4354). We reiterate that Heritage NSW requires that test excavations be undertaken prior to project approval to ensure that the significance of sites are understood, and that all cultural values are properly assessed and managed. Please update the ACHAR and AR to include the following: - The technological analysis of the excavated stone artefact assemblage suitable to meet <u>Requirements 19 and 20 of the Code of Practice</u>. The artefact catalogue should be included as an Appendix. This should also include discussion on stratigraphic integrity and disturbance. - An interpretation and discussion of the results of the test excavations using an archaeological framework that constructs an Aboriginal settlement history of the subject area. As per <u>Requirement 11 of the Code of Practice</u> the settlement history must be placed in a local and regional archaeological context and must use graphs, charts and tables to effectively summarise data to support interpretations. This must also include: - A comparison of artefact densities to other excavated assemblages in the local region.

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		- Discussion of whether the testing has been adequate to investigate the extent of the sites tested including whether the site boundaries have been re-defined based on the results. - Updated mapping of site boundaries. • A section addressing the research questions which were presented in the testing methodology provided as part of the Requirement 15C testing notification. • Evidence that Aboriginal Site Impact Recording Forms (ASIRF) have been submitted to AHIMS for 7833_11 and 7833_12 following the completion of the test excavations in accordance with <u>Requirement 16a(13) of the Code of Practice</u>.
5	<u>Mapping of Aboriginal cultural heritage sites</u> The RTS states that Figure 3 and Figure 8 within Sections 2 and Section 9 of the amended ACHAR (Appendix T) have been updated to reflect HNSW's comments, however, these updates have not been made.	We reiterate our request to please update the mapping in the ACHAR to include the site boundaries of artefact scatters and potential archaeological deposit for newly recorded sites and previously recorded sites. Maps should be at a scale that is appropriate to the site and its relationship to other sites, important features, and the project boundary. Multiple maps may be required to effectively convey this information.
6	<u>Proposed works, impact assessment and consideration of opportunities for conservation</u> Additional information and clarification is required regarding the proposed works outlined in Section 6.1 of the ACHAR. Section 6.1 (Proposed development), for instance, states that "<i>Stage 2 is split into two parts – Detailed Stage 2 and Concept Stage 2. The Concept</i>	• Please update Section 6.1 (Proposed development) of the ACHAR to clarify whether the current SSD application covers works/impacts associated with both parts of Stage 2 (i.e. 'Detailed Stage 2' and 'Concept Stage 2'). - We note that according to the impact assessment presented in Table 12 of the ACHAR, no harm is proposed to occur to six previously recorded Aboriginal sites including 7215_Huntlee_AF1 (AHIMS 37-6-

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	Stage 2 area consists of an indicative layout of impact areas which have not been finalised. These areas will be finalised in future once the Detailed Stage 2 area is complete." It is unclear whether the current SSD application covers works/impacts associated with both parts of Stage 2.	4255), HAF01 (AHIMS 37-6-3924), HAF002 (AHIMS 37-6-3923), HAF003 (AHIMS 37-6-3922), HAF004 (AHIMS 37-6-3921), HAF008 (AHIMS 37-6-3919) stating that they are located "Inside Concept Stage 2 area where impacts have not been finalised". This indicates that approval for the 'Concept Stage 2' works (and any associated impacts to ACH) would not be covered by the current SSD. Please provide mapping which shows the location of the areas associated with 'Detailed Stage 2' and 'Concept Stage 2'.
7	In relation to '7833_11' and '7833_12' the ACHAR states that although they are <i>"located in an area which will be converted to green space as part of the development"</i> existing disturbance from the construction of unauthorised bike track means that the areas <i>"will require considerable landscaping works which will impact on the Aboriginal heritage values present."</i>pg.35-36 No information has been provided on the nature and depth of works required for the landscaping to establish the green spaces and it remains unclear whether there has been any real consideration of the potential to conserve Aboriginal cultural heritage within the project area. Such discussions should be had with RAPs and the Proponent and must be documented in the response, noting that Heritage NSW supports the conservation and protection of Aboriginal cultural heritage values and highly recommends that all	Please update the ACHAR to: - Clarify the nature of works required to establish the green spaces including the likely depth of works. - Include consideration of whether such works may only result in partial harm to Aboriginal sites in areas proposed for greenspace. - Document discussions between RAPs, Consultant and Proponent to demonstrate that adequate consideration has been given to options which would allow for Aboriginal cultural heritage to be conserved and/or impacts to be minimised. - Include consideration of management measures (other than salvage excavations) which could be used to help minimise harm in these areas (e.g. the ACHMP could be updated to outline limited harm activities that may be undertaken in these areas (lawn-mowing, weeding etc.) to reduce impacts and allow for at least partial conservation in-situ.

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	reasonable and feasible efforts should be made to avoid impacting on Aboriginal cultural heritage.	
8	It is still unclear what activities will be resulting in 'partial indirect impacts' to sites KR25 (AHIMS #37-6-2029), KR26 (AHIMS #37-6-2030), KR26a (AHIMS #37-6-2031) and KR27 (AHIMS #37-6-2032) as a result of " <i>Disturbance from activities associated with facilitating or laydown of equipment during future development.</i> " It is also unclear where these laydown areas are located.	Please update the ACHAR to: • Include details on the activities required to establish the laydown areas to provide greater clarity on the types of impacts that will occur in these areas and assist in identifying opportunities to minimise harm (e.g. do these surfaces require grading, importation of fill to level-out surfaces etc.?) • Include mapping showing the location of laydown areas and access tracks in relation to the location of Aboriginal cultural heritage sites. • Include consideration of whether there are methods/ management strategies that could be implemented to avoid and/or minimise impacts to Aboriginal cultural heritage in these laydown areas (e.g. the use of geofabric etc. to protect the ground surface).
9	The updated ACHAR contains discrepancies in the number of Aboriginal sites to be impacted. The impact assessment presented in the ACHAR needs to be clear and accurate to provide certainty over whether a site can be avoided/conserved.	• Please update the ACHAR to address the following discrepancies and ensure consistency throughout the report (including Appendices): - The Executive summary states that "<i>A total of 28 Aboriginal cultural heritage sites are at risk of harm from the proposed activity</i>". In contrast, Section 2.1 indicates that the total number is 29. - According to Table 2 (Summary of Aboriginal cultural heritage sites proposed for harm) 'HANWOOD RD' (AHIMS 37-6-1927) is proposed for total direct harm, however, information elsewhere in the ACHAR indicates that the site is located approx. 200 m south of the Subject Area" (pg.16) and will not be harmed.

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		- According to impact assessment presented in Table 12 of the ACHAR, '7215_Huntlee_PAD1' (AHIMS 37-6-4256) is proposed for direct impact, however this site has not been included in Table 2 (Summary of Aboriginal cultural heritage sites proposed for harm). - Table 13 in Section 7.3 (Mitigating harm) states that "<i>The four registered AHIMS sites ((KR25 (AHIMS #37-6-2029), KR26 (AHIMS #37-6-2030), KR26a (AHIMS #37-6-2031) and KR27 (AHIMS #37-6-2032)) on the border of the Subject Area should be avoided and conserved.</i>" The site-specific mitigation measures identified in Table 14 states that these sites are outside of the study area and should be avoided and conserved. In contrast, the impact assessment presented in Section 6 indicates that these sites will be subject to partial indirect harm. • Please review and update the impact assessment presented in the ACHAR to ensure accuracy, noting that further updates may be required depending on the outcomes of a number of the other outstanding matters (e.g. Comments #6, 7, 8, 20).
10	Completed – no further comments.	NA
11	Completed – no further comments.	NA
12	<u>Significance assessment</u> While the significance assessment has been updated to provide a bulk assessment of the scientific significance of sites, some additional clarification is requested.	• Please update the ACHAR to clarify the archaeological significance of Aboriginal sites 7833_11 (AHIMS 37-6-4363) and 7833_12 (AHIMS 37-6-4362) based on the results of testing and ensure consistency throughout the report and its Appendices, noting the following discrepancy: - The ACHAR states that 7833_11 (AHIMS 37-6-4363) and 7833_12 (AHIMS 37-6-4362) are of moderate archaeological significance while

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		Section 11.2 and Table 26 of the AR states that they are of high significance /research potential. Section 11.2.1 (Research potential) in the AR states that "<i>the assemblage is notable... for preserving a relatively high proportion of artefacts with use-wear and retouch</i>". Please clarify which Aboriginal sites are associated with retouched and/or utilised artefacts of research potential and confirm whether this has been adequately considered in their assessment of significance. A table presenting the assessment of significance for individual sites would help to address this.
13	<u>Management recommendations and mitigation measures</u> The recommendations in the ACHAR do not include any mention of surface collection or salvage excavation.	Please update the recommendations in the ACHAR to include the specific management measures that will be required for Aboriginal sites including those proposed for surface collection, salvage excavation and/or protection/avoidance.
14	While the ACHAR has been updated to include site-specific management recommendation (Table 14), additional detail is requested. We also note that this table may require updating based on the outcomes of a number of the other outstanding matters (e.g. Comments #1, 4, 6, 7, 8, 9, 13, 20).	- Please update Table 14 to: - include management recommendations for the 'archaeologically sensitive areas' (as per HNSW comment #1). - Ensure consistency/ accuracy based on the outcomes of a number of the other outstanding matters (e.g. Comments #1, 4, 6, 7, 8, 9, 13, 20). - Please provide further information in relation to the proposed salvage excavations in the form of a preliminary salvage excavation strategy and methodology developed in consultation with RAPs. This is required to demonstrate how the proposed salvage excavations have been designed to reduce the scale of the impact considering the significance of these sites.

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15	Completed – no further comments.	NA
16	<u>Aboriginal Community Consultation</u> We reiterate that Heritage NSW requires that consultation with Registered Aboriginal Parties (RAPs) is continuous and as a general rule, gaps in the consultation process of 6 months or more will not constitute a continuous consultation process. While the RTS has provided some consultation documentation, the records provided in Appendix C of the ACHAR are incomplete and the last evidence of consultation is dated September 2023. Additional evidence relating to the Aboriginal community consultation process completed for the project is required to assist in Heritage NSW's evaluation of the adequacy and completeness of the consultation process.	• Please provide the following consultation documentation to demonstrate the requirements of the <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents</i> (DECCW 2010) have been met: - Evidence that the Stage 2/3 project info and methodology document (dated 6 April 2023) was sent to Thomas Dahlstrom and Hunter Valley Cultural Surveying. - Evidence that the draft test excavation methodology was sent to all RAPs for review and comment and copies of any responses received. - Evidence that the Updated ACHAR was provided to all RAPs for review and comment and provide copies of any responses received. - Evidence that consultation with RAPs was kept continuous as the last consultation recorded in the ACHAR is dated September 2023. • Please update Section 3 of ACHAR to outline the results of additional consultation completed since the EIS (e.g. consultation on draft test excavation methodology and consultation on updated ACHAR).
17	Complete – no further comments	NA
18	<u>AHIMS search, site cards and heritage register searches</u> The RTS states that the site card for ONR1 (AHIMS 37-6-1702) has been updated to correct the identified coordinate error, however, as of 11 August 2025 the site	• Please provide evidence that the site card for ONR1 (AHIMS 37-6-1702) has been updated to correct the identified coordinate error.

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	card has not been updated and is still located within the Subject Area.	
19	We note that the original extensive AHIMS search (dated 2/03/2023) provided in Annex 1 of the AR does not appear to cover the southern portion of the Stage 2 subject area and that only a basic AHIMS search has been completed. An updated extensive AHIMS search should be undertaken to capture any changes to site location and status. The extensive AHIMS search also allows for an identification of potential AHIPs/consent to destroy permits that were issued prior to 2010 (i.e. are not listed on the public register). This is particularly relevant to comment #20 below.	• Please complete an updated extensive AHIMS search covering the entire Subject Area. • The relevant sections of the ACHAR and AR must be reviewed and updated for accuracy and currency noting that information provided in the report is not accurate or current. For example, information in the ACHAR indicates that '7215_Huntlee_AF1' (AHIMS 37-6-4255) remains valid, however, the site's status on AHIMS is 'Destroyed'. • Updated mapping should be prepared using the updated AHIMS search data.
20	Heritage NSW acknowledges that an updated search of the AHIP public register was conducted on 16 June 2025 to address this comment. As mentioned above, the extensive AHIMS search should be used to identify AHIP/consent to destroy permits that were issued prior to 2010 (and are therefore not necessarily captured in the AHIP public register or AHIP spatial data). We note that there is no mention in the ACHAR of AHIP 1108630 (AHIMS number 3201) which covers several sites relevant to the current project (i.e. KR25, KR26, KR26a, KR27, KR28 and KR29).	• Please update the ACHAR to consider AHIP 1108630 (AHIMS number 3201) and clarify whether there is enough evidence to determine whether Aboriginal sites KR25, KR26, KR26a, KR27, KR28 and KR29 remain valid or have been destroyed. Where it is considered that the sites have been destroyed, evidence (such as salvage reports etc.) must be provided prior to submitting site card updates.