

Our ref: HMS ID 11635

Jack Turner
Team Leader
Department of Planning, Housing and Infrastructure
jack.turner@planning.nsw.gov.au

Letter uploaded to the Major Projects Planning Portal

Advice on Amendment Report – State Significant Development

Proposal: HVO South Open Cut Coal Continuation Project

Major Project reference: SSD-11826621

Received: 28 August 2025

Dear Jack,

Thank you for your referral seeking advice on the above State Significant Development proposal. Heritage NSW understands that the Amendment Report (AR) relates to a modification to proposed continuation project for Hunter Valley Operations (HVO) and that the AR should be read in conjunction with documents provided in support of the Environmental Impact Statement (EIS).

In preparing this advice Heritage NSW has reviewed the following documents:

- Amendment Report - prepared by EMM, dated 5 August 2025
- Appendix K: Aboriginal Heritage Advice - prepared by EMM, dated 21 July 2025

Heritage NSW provided detailed comment on the EIS (DOC23/60225 and DOC23/60557) and Submission Report (DOC23/994077 and DOC23/994186). Based on those reports and as no objections were raised by the Registered Aboriginal Parties (RAPs) on the Management and Mitigation Measures, Heritage NSW deemed that the proposed measures were appropriate.

Heritage NSW did recommend, and reiterates here, that given that test excavations had not been possible at some locations, provisions must be included in the Conditions of Consent and Aboriginal Cultural Heritage Management Plan (ACHMP) for additional consultation with the RAPs, Heritage NSW, and the Department of Planning and Environment regarding additional mitigation or management requirements if regionally significant and/or or highly culturally significant (e.g., burial, ceremonial grounds) finds are identified during the salvage operations. Where feasible, this may include consideration of project redesign to avoid further impacts. Heritage NSW requests that the salvage excavation methodology is submitted for review and comment prior to commencement of the

excavations, as there are several changes required from the proposed methodology, including, but not limited to, spacing of units and implementation of mechanical excavation to work at depth (>1.5 m).

Further, Heritage NSW reserved the right to recommend modifications to the proposed salvage methodology presented in the Addendum ACHAR upon review of the ACHMP and requested that consultation is continued with the RAPs throughout the SSD submission process and the development of the ACHMP. As part of this consultation, Heritage NSW required that the Addendum ACHAR was provided to the RAPs for comment. It is unclear whether the Addendum ACHAR and the Aboriginal Heritage Advice has been provided to the RAPs for comment. Please provide evidence that these two documents have been provided to the RAPs for comment.

In addition to the above comments, further information is required to ensure that the proposed Amendment aligns with commitments made at earlier phases of the proposal, including:

- Section A.1 of the Aboriginal Heritage Advice does not provide any guarantee for the protection of Aboriginal cultural heritage. While the Addendum ACHAR and Aboriginal Heritage Advice outline that 12 moderate and high significance sites will be impacted, as will a large number of low significance sites, Section A.1 outlines guiding principles for future management and with the proposed management of sites open to amendment in the ACHMP. Additionally, the original ACH3 EIS Management Mitigation Measure that explicitly outlined the number of sites that would be impacted and conserved by the project has been removed. Heritage NSW requires that greater certainty is required on the sites that will be avoided and conserved within Section A.1 and in the project Management Mitigation Measures.
- It is recommended that updated mapping of ACH within the amended project area is included in the Aboriginal Heritage Advice to ensure that it is clear to Heritage NSW and the RAPs how the footprint changes have modified the management of ACH.

Please note that the above comments relate only to Aboriginal cultural heritage regulation matters. If you have any questions about this correspondence, please contact Corey O'Driscoll, Practice Lead at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au

Yours sincerely,

Alison Lamond

Alison Lamond
A/Manager – Major Projects
Heritage NSW
Department of Climate Change, Energy, the Environment and Water
As Delegate under *National Parks and Wildlife Act 1974*
16 September 2025