

Our ref: HMS ID 11838

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Letter uploaded to the Major Projects Planning Portal

Advice on Response to Submission – State Significant Infrastructure

Proposal: Billabong Creek Environmental Water Regulators

Major Project reference: SSI-50831979

Received: 17 September 2025

Dear Mr Anderson,

Thank you for seeking advice from Heritage NSW regarding the above State Significant Infrastructure proposal. Thank you for the continued opportunity to comment on the project.

The information provided by the applicant in its response has adequately addressed matters raised by Heritage NSW in previous submissions on the proposal. Heritage NSW has no further comment regarding the proposal, and has provided recommended draft conditions of approval in Attachment A.

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

Yours sincerely

Alison Lamond

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

Attachment A – Recommended draft conditions of approval for Aboriginal cultural heritage

Below are our recommended draft conditions for the management of Aboriginal cultural 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 must be kept informed about the State Significant Development. The Registered Aboriginal Parties must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the State Significant Development.

Aboriginal Cultural Heritage Management Plan

3. Prior to carrying out any development, the Applicant must prepare an Aboriginal Cultural Heritage Management Plan (ACHMP) for the development to the satisfaction of the Secretary. This plan must:
 - a. be prepared by suitably qualified and experienced persons.
 - b. be prepared in consultation with the Registered Aboriginal Parties and reviewed by Heritage NSW.
 - c. include a description of the measures (and associated methodologies) that would be implemented for:
 - i. digital recording and removal of Wanganella Weir Scarred Tree 3 (AHIMS # 54-2-0264) and Hartwood Weir Scarred Tree 4 (AHIMS # 54-3-0059) as per Recommendation 4 of the Aboriginal Cultural Heritage Assessment Report.
 - ii. archaeological salvage of Hartwood Weir Hearth (AHIMS # 54-3-0061) as per Recommendation 4 of the Aboriginal Cultural Heritage Assessment Report.
 - iii. trimming of branches on Forest Creek Block Bank Scarred Tree 2 (AHIMS # 54-3-0031) and Forest Creek Block Bank Scarred Tree 4 (AHIMS # 54-3-0057) as per Recommendation 4 of the Aboriginal Cultural Heritage Assessment Report.
 - iv. protection measures (including avoidance, fencing, flagging, and signage) to be implemented for the following Aboriginal sites identified in recommendations 1 and 2 of the Aboriginal Cultural Heritage Assessment Report to ensure that they are not harmed by the proposed works:
 - A. W scar tree 2 (AHIMS # 54-2-0251)
 - B. Wanganella Weir Scarred Tree 1 (AHIMS # 54-2-0263)
 - C. Hartwood Weir Scarred Tree 1 (AHIMS # 54-3-0026)
 - D. Hartwood Weir Scarred Tree 3 (AHIMS # 54-3-0029)
 - E. Forest Creek Block Bank Scarred Tree 3 (AHIMS # 54-3-0034)

- F. Hartwood Weir Earth Mound 1 (AHIMS # 54-3-0054)
 - G. Hartwood Weir Scarred Tree and PAD (AHIMS # 54-3-0055)
 - H. Hartwood Weir Earth Mound 2 (AHIMS # 54-3-0056)
 - I. Forest Creek Block Bank Earth Mound 1 (AHIMS # 54-3-0058).
- v. the long-term management of any Aboriginal heritage items or cultural material collected under the ACHMP.
 - vi. ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions.
 - vii. ongoing consultation and involvement of Registered Aboriginal Parties during the implementation of the ACHMP.
 - viii. preparing Aboriginal Site Impact Recording Form/s (ASIRFs) for all Aboriginal heritage sites following construction activities with ASIRFs to be submitted to the Aboriginal Heritage Information Management System (AHIMS) registrar.
- d. include a contingency plan and reporting procedure including an Unexpected Heritage Finds and Human Remains Procedure prepared in relation to Aboriginal cultural heritage, with these measures to be prepared in accordance with the guidelines and standards specified by Heritage NSW, be implemented for the duration of the project and to include the requirement to register any newly identified Aboriginal objects or sites in the AHIMS database.
 - e. include provision for the preparation of an Aboriginal Cultural Heritage Salvage Report following the completion of salvage activities under the ACHMP. The Aboriginal Cultural Heritage Salvage Report(s), must:
 - i. be prepared by a suitable qualified expert.
 - ii. be prepared in accordance with the *Guide to Investigation, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011) and the *Code of practice for archaeological investigation of Aboriginal objects in New South Wales* (DECCW 2010).
 - iii. document the results of the salvage works and scarred tree removal and recording completed under the ACHMP.
 - iv. document the results of any specialist studies including analysis dating of hearth materials.
 - v. outline the long-term management strategy for all cultural material recovered from the project area.
 - vi. be provided to the Registered Aboriginal Parties who 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, AHIMS, and the Registered Aboriginal Parties within 24 months of the completion of the Aboriginal archaeological collections and excavations.
 - f. include a program to monitor and report on the effectiveness of management measures and any Aboriginal cultural heritage impacts of the project.

Following the Planning Secretary's approval, the Applicant must implement the ACHMP.