# Department of Climate Change, Energy, the Environment and Water

Our ref: HMS ID 12083

Nathan Heath
Planner
Department of Planning, Housing and Infrastructure
nathan.heath@planning.nsw.gov.au

Letter uploaded to the Major Projects Planning Portal

---

## Advice on Environmental Impact Statement – Critical State Significant Infrastructure

**Proposal:** Lord Howe Island Critical Infrastructure Project (SSI-78107213)

**Major Project reference:** SSI-78107213

**Received:** 13 October 2025

Dear Nathan,

Thank you for your referral dated 13 October 2025 inviting comments from the Heritage Council of NSW on the above Critical State Significant Infrastructure (SSI) proposal. It is understood that the proposal involves the construction, operation and maintenance of new marine infrastructure, biosecurity infrastructure and a waste management facility on Lord Howe Island.

The proposed SSI affects the State Heritage Register (SHR) item Lord Howe Group (SHR no. 00970). Further, Heritage NSW further note that the project area is listed as a UNESCO World Heritage Property and is also listed on the National Heritage List (Place ID 105694).

The following reports were considered in our assessment:

- *Relevant sections of Environmental Impact Statement Lord Howe Island Critical Infrastructure* – prepared by ERM, dated 3 October 2025
- *Appendix B: Architectural drawings Critical Infrastructure Program Lord Howe Island* – prepared by Lahznimmo Architects, dated 6 August 2025; and *Landscape drawings Lord Howe Island Critical Infrastructure Program* – prepared by SMM, dated 30 September 2025.
- *Appendix Q: Statement of Heritage Impact Lord Howe Island Critical Infrastructure* – prepared by ERM, dated 30 September 2025

- *Appendix R*: *Maritime Archaeological Assessment Lord Howe Island Critical Infrastructure* – prepared by Mountains Heritage, dated 29 September 2025
- *Farmers, Fishers and Whalemen*: *The colonisation landscape of Lowd Howe Island, Tasman Sea, Australia* – prepared by Kimberley Ann Ownes, dated April 2008

Based on our review of the above documents, and as delegate of the Heritage Council of NSW, I provide the following comments:

- The Secretary's Environmental Assessment Requirement (SEAR) regarding preparation of a Statement of Heritage Impact (SoHI) and Maritime Archaeological Assessment (MAA) has been met.
- Heritage NSW support the conclusions in the MAA that the proposed works will not impact maritime archaeology and heritage.
- Heritage NSW note that should additional maritime works be proposed in regard to dredging or changes to vessel approach or size, additional maritime heritage assessment will be required.
- Heritage NSW support the recommendations of the MAA regarding preparation and implementation of a maritime specific Unexpected Finds Protocol.
- Heritage NSW supports the conclusion of the SoHI that the proposed SSI would have little or no adverse impact on the State heritage significance of the *Lord Howe Island Group*.
- Heritage NSW supports Recommendations 1 to 7 of the SoHI in regard to built heritage.
- Additional information is required for Heritage NSW to advise the Department on whether the environmental impact assessment complies with the SEAR regarding non-Aboriginal archaeology.

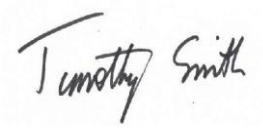
Our review has identified key matters, as outlined in **Attachment A** that must be addressed in order for Heritage NSW to provide advice regarding all environmental heritage aspects of the project approval.

As the site contains a local heritage item, and other local items are in the vicinity, advice should be sought from the Lord Howe Island Board that acts as the responsible authority for the Unincorporated Area.

SSI-78107213 is a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), and assessment is to be made under the bilateral agreement between the NSW and Commonwealth Governments. Detailed comment on the bilateral agreement between NSW and the Commonwealth is outlined in **Attachment B**.

If you have any questions about this correspondence, please contact Sarah McGuinness, Senior Assessments Officer at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au

Yours sincerely,



Tim Smith OAM
Director Assessments
Heritage NSW
Department of Climate Change, Energy, the Environment and Water
As Delegate of the Heritage Council of NSW
10 November2025

## Attachment A - Detailed Environmental Heritage Advice

Built Heritage

Heritage NSW make the following recommendations regarding built heritage:

1. Further to SoHI Recommendation 2, we recommend that a condition assessment be undertaken for the timber roof trusses in the Ocean View Boatshed. The inspection should be undertaken by a heritage architect and/or engineer who should advise on any remedial or repair works that may be required to the trusses, and these works such works should be implemented as part of the SSI works.
2. Further to SoHI Recommendation 4, we recommend that other forms of barrier be considered to protect the Cargo Shed from vehicular damage. These could include bollards — metal, timber or stone–which would allow for greater visual permeability around the building than a contiguous barrier and improve its immediate setting. However, it is essential that any type of barrier should effectively protect the building from vehicular damage.
3. The paint colour scheme proposed for the exterior of the Cargo Shed and Ocean View Boatshed is suitable but should include darker toned paint for timber battening and window frames to contrast with lighter tones used on the wall sheeting/cladding. This would reflect the paint tones that can be seen in historic photographs.

Archaeological Assessment

Heritage NSW considers that the SoHI does not adequately justify its conclusion that the project area has low to negligible archaeological potential.

We note that:

- The assessment lacks sufficient detail regarding the specific extent of ground modification and disturbance across the project area, beyond the potentially localised impacts from jetty construction and foreshore works. Heritage NSW advises that, unless explicitly demonstrated otherwise, archaeological potential may still exist beneath and between disturbed zones.
- Table 6.2 item 9 indicates the presence of "*above-ground archaeological remains*" associated with the former jetty.
- Figure 4.2 incorrectly marks the location of the North Zone project area. This location is more correctly indicated in Figure 3.3 of the MAA as situated near a known historic settlement at Settlement Beach.
- The areas of archaeological potential indicated in Owens 2008 do not represent an exhaustive summary of the archaeological sensitivity of the island. The island as a whole retains potential for unmapped archaeological features and potential relics associated with the earliest phases on occupation.
- Figure 4.36 in Owens 2008 indicates the potential for archaeological features and relics associated with mapped permissive occupancies and land use near the North Zone project area.

4. In consideration of the above points, please update the SoHI to include a detailed archaeological assessment. The assessment should include:
    a. Further specific detail of historic ground disturbance works to determine if areas of localised intact soils may remain
    b. An assessment of archaeological potential of the project area as relates to specific historic phases of occupation, including the archaeological potential of the former jetty
    c. An assessment of archaeological significance of potential archaeological resources, including the archaeological potential of the former jetty
    d. A map of archaeological sensitivity of the project area
    e. An updated impact assessment in consideration of any revised archaeological sensitivity
    f. Updated mitigation measures (if required)
5. Please provide further detail regarding the integration and interpretation of the archaeological remains of the former jetty as part of the proposed design. Please provide further detail as to how potential impact to these remains will be mitigated.

## Attachment B - Assessment Bilateral Agreement between NSW and the Commonwealth

SSI-78107213 is a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), and assessment is to be made under the bilateral agreement between the NSW and Commonwealth Governments. The relevant controlling provisions are:

- World Heritage Properties (sections 12 and 15A)
- National Heritage Places (sections 15B and 15c)
- Listed threatened species and communities (sections 18 and 18A)
- Listed migratory species (sections 20 and 20A)

Heritage NSW cannot advise on impacts to biodiversity, threatened species and migratory species as this is beyond the scope of our expertise. We recommend that advice be sought from relevant Agencies with expertise in these matters.

In regard to potential heritage impacts, Heritage NSW note that:

- SoHI Appendix A includes a World Heritage and National Heritage impact assessment. It assesses that the SSI would not result in the identified World Heritage (Outstanding Universal Values) or National Heritage values of the *Lord Howe Island Group* being 'lost, degraded or damaged, or notably modified, obscured or diminished'.
- SoHI Appendix A further considers that the improvements to biosecurity and environmental management resulting from the SSI would ultimately be beneficial to conservation of the heritage values of the place.

Heritage NSW agrees with the SoHI assessment that the SSI would not have a significant impact on the aesthetic values of the *Lord Howe Island Group* due to the locations, the low scale form and the relatively small footprint of the proposed development. Proposed building colours and soft landscaping, including screen planting to development perimeters, would also help soften visual impacts.