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Our ref: DOC21/288764-8

via email: iwan.davies@planning.nsw.gov.au

Dear Mr Davies

Additional response to Project Energy Connect (NSW – Western Section) (SSI-10040)

Thank you for your email on 13 May 2021 inviting comments from Heritage NSW on the unredacted Aboriginal Cultural Heritage Assessment Report (ACHAR) and an updated PAD significance table for the above State Significant Infrastructure (SSI) project.

Heritage NSW made comments on the Response to Submissions (RTS) report on 27 April 2021. These comments were based on documents provided by Department of Planning, Industry and Environment (DPIE), including the main assessment documents for Aboriginal cultural heritage:

- TransGrid, 2021 'Energy Connect (NSW-Western Section) submissions report';
- 'Energy Connect (NSW - Western Section) Technical paper 2: Non-Aboriginal and Aboriginal cultural heritage assessment *public version*' (ACHA). Report produced by Navin Officer Heritage Consultants P/L for TransGrid, dated April 2021

The additional documents now provided to Heritage NSW for comment include:

- Energy Connect (NSW - Western Section) SA/NSW Border to Buronga to NSW/Vic Border, NSW: Non-Aboriginal and Aboriginal Cultural Heritage Assessment Report *Agency version*' (ACHAR). Report produced by Navin Officer Heritage Consultants P/L for TransGrid, dated April 2021;
- Letter dated 12 May 2021 from Navin Officer Heritage Consultants to WSP Australia Pty Limited with a table of possible archaeological significance of Potential Archaeological Deposits (PAD) in support of revised ACHAR.

Based on the unredacted version of the ACHAR the Heritage NSW position in relation to the project assessment and approval regarding Aboriginal cultural heritage matters has not varied: **the assessment is not adequate to address the SEARs for heritage**. As per our previous response this is due to insufficient assessment with a lack of survey coverage, no subsurface assessment in areas where subsurface deposits are known to occur and consequently incomplete Aboriginal community consultation.

The review of the additional information provided has reinforced the Heritage NSW position in relation to the need for proper assessments to be completed prior to approval. The additional PAD table underscores that these areas often contained hearths and shell middens, a number with likely stratified deposit, which require sampling and dating in order to properly verify their

significance. This can only be done through excavation, and the significance of the PADs cannot be properly determined prior to this type of assessment.

As both the proposed alignment and recorded sites have not been properly assessed, meaning cultural significance cannot be determined, the Registered Aboriginal Parties (RAPs) could not have provided informed feedback or consent in relation to impact to Aboriginal cultural heritage values associated with this development. We note a number of the RAP comments in the ACHAR advocate for all Aboriginal sites to be avoided.

Heritage NSW maintains its position that comprehensive assessment which includes complete pedestrian survey and subsurface testing needs to be completed prior to approval in order to inform the project assessment and design. Without this there can not be an understanding of the cultural values that are proposed to be impacted and informed consultation with Aboriginal people cannot occur. Without a comprehensive assessment, and in line with the precautionary principles of ecologically sustainable development, Heritage NSW recommends the project be designed to avoid all Aboriginal sites and objects including PADs.

Completion of a comprehensive level of assessment would satisfy the SEARs and allow informed evaluations of the proposal to be made as part of the approval process, and any proposed consent conditions could be tailored accordingly.

If you have any questions regarding these comments, please contact John Gilding, Archaeologist, Aboriginal Cultural Heritage Regulation – South, at Heritage NSW, on 0428 897 811, or email john.gilding@environment.nsw.gov.au.

Yours sincerely



Jackie Taylor
Senior Team Leader, Aboriginal Cultural Heritage Regulation - South
Heritage NSW
20 May 2021