



Our ref: DOC21/576904-2

Iwan Davies
Team Leader, Energy Resource Assessments
Department of Planning, Industry and Environment
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Advice provided via the Major Project Portal

Dear Mr Davies

Advice on draft Conditions of Consent - Project EnergyConnect (NSW - Western Section) (SSI-10040)

Thank you for your referral dated 9 July 2021 inviting comments from Heritage NSW on the above State Significant Infrastructure (SSI) draft Conditions of Consent. We provide the following advice for your consideration. I appreciate the opportunity for added time to complete our review.

Heritage NSW has provided previous comments and advice to the Department of Planning, Industry and Environment on this project in relation to the Secretary's Environmental Assessment Requirements, the Environmental Impact Statement (EIS) and Response to Submissions report (RTS).

In this previous advice, Heritage NSW highlighted the need for comprehensive assessment to be completed prior to project approval. This advice included concerns that the Aboriginal cultural heritage assessment remained incomplete as comprehensive survey and subsurface testing of potential archaeological deposits (PADs) had not occurred in all areas. The absence of this assessment has resulted in an incomplete understanding of proposed impacts and consequently incomplete and inadequate Aboriginal community consultation. Without an appropriate level of assessment there cannot be a comprehensive understanding of the cultural values that are proposed to be impacted by the development and informed consultation with Aboriginal people is constrained.

Heritage NSW must assess against the objects of the *Environmental Planning and Assessment Act 1979* and the precautionary principle of ecologically sustainable development. We continue to advocate that comprehensive assessment, including both pedestrian surveys and subsurface testing, should be completed prior to approval to inform any project's assessment and final design.

During recent discussions with your Department, we note the proponent has not satisfied requests to conduct a comprehensive assessment. While Heritage NSW supports the development of a Heritage CEMP Sub-Plan, in principle we suggest these should not be used as a substitute for adequate upfront assessment. We recognise the additional assessment will be supported by the proposed Strategy and relevant conditions, to assist the Plan outcomes.

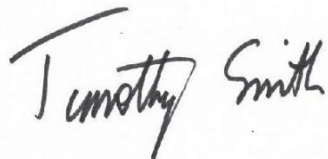
Heritage NSW strongly emphasises that comprehensive site assessment, truthing and consultation is achieved up front in such extensive linear infrastructure projects, and that final design and ground impact sites are not left to be resolved in a construction and high-risk environment.

As the proponent has not fully assessed the project footprint, it is critical to ensure improved site impact understanding, assessment and mitigation measures through the delivery phases of the project. The project needs to be configured through approval conditions, where possible, to avoid direct and indirect impact to Aboriginal sites and objects including presently untested PADs. Following our recent discussions, we have reviewed the revised draft conditions of consent received on 12 August 2021 and note they have been revised to facilitate a staged approach in order to complete the assessment. The draft conditions appear reasonable to support a better outcome for management and consideration of Aboriginal cultural heritage.

For Project EnergyConnect East we expect comprehensive impact assessments are delivered with ongoing consultation and input from Heritage NSW.

If you have any questions regarding these comments, please contact Jackie Taylor, Senior Team Leader, Aboriginal Cultural Heritage Regulation – South, at Heritage NSW, on 6229 7089, or email jackie.taylor@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink that reads "Timothy Smith". The signature is written in a cursive style with a large, sweeping initial 'T'.

Tim Smith OAM
Director Operations
Heritage NSW, Community Engagement
Department of Premier and Cabinet
13 August 2021