



Mr Anthony Ko
Team Leader
Energy Assessments
Department of Planning and Environment
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Your reference: SSI-12422997
Our reference: DOC23/830120

Dear Anthony,

Heritage NSW - Advice on Environmental Impact Statement (EIS) - State Significant Infrastructure (SSI-12422997) – Oven Mountain Pumped Hydro Energy Storage Project

Thank you for your referral on 15 September 2023 seeking advice on the above State Significance Infrastructure (SSI) proposal. We understand that the proposal involves the development of an off-river pumped hydro energy storage system, adjacent to the Macleay River. For the purposes of assessment, the Project Area comprises a larger area within which there is a defined construction envelope of approximately 780 hectares. The construction envelope is generated by buffering key project elements and infrastructure to allow for flexibility in design. A disturbance footprint of 330 hectares sits within the construction envelope and represents the total area of physical disturbance expected as part of the project works.

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

1. Relevant sections of Oven Mountain Pumped Hydro Energy Storage Environmental Impact Statement – prepared by EMM Pty Ltd, dated July 2023
2. Relevant sections of Appendix V -Oven Mountain Pumped Hydro Energy Storage EIS World and National Heritage impact assessment – prepared by EMM Pty Ltd, dated 23 March 2023
3. Appendix K - Oven Mountain Pumped Hydro Energy Storage EIS Aboriginal Cultural Heritage Assessment Report – by EMM Pty Ltd, dated 3 March 2023.

Following the review of the above documents, Heritage NSW requests additional information to inform its advice to the Department on whether the management recommendations provided in the Aboriginal Cultural Heritage Assessment Report are adequate. Additional information is required in relation to the following matters.

Aboriginal Party Consultation

1. Some additional information to that provided in Appendix B is required, as follows:
 - a) Please provide evidence of provision of both versions of the draft assessment methodologies (as dated November 2021 and February 2022) to all 19 Registered Aboriginal Parties.

- b) Please provide evidence that the draft ACHAR was provided to all Registered Aboriginal Parties (such as an email with all relevant email addresses shown).
2. The last documented consultation event in the ACHAR closed on 23 December 2022. Please provide a summary of any consultation that has been undertaken since December 2022, noting that under our guidelines, breaks in consultation of over six months may not constitute continuous consultation.

Cultural values mapping

3. The ACHAR references the completion of cultural values mapping; however, it is understood that the report is subject to finalisation. Heritage NSW require that a copy of Appendix D be provided for review, noting that if gender restrictions are specified in the cultural values mapping, an assessments officer of the appropriate gender only will review the report. Additional clarifications may be sought once the cultural values mapping report has been provided.

Impact to areas of identified cultural value (excluding archaeological sites)

4. The ACHAR recommends that the ACHMP should include provisions for ongoing consultation to discuss any potential indirect or visual impacts of the proposal on the areas of identified cultural value, being Kunderang East Station (OMPS-CS3), Lower Creek/Long Flat Station (OMPS-CS5) and George's Creek Camp (OMPS-CS4). Heritage NSW recommends that these meetings and discussions must occur prior to project approval to provide accurate information on the nature of any such impacts.
5. Lower Creek/Long Flat Station is recognised as having Aboriginal cultural value and potential but is identified as being subject to indirect impact only. However, the consideration of historical heritage provided in Chapter 6.5 of the EIS identifies that the project may directly impact archaeological resources related to Long Flat Station. Please clarify the potential for these archaeological resources to have Aboriginal cultural value and provide information on impacts to these deposits will be managed with reference to Aboriginal cultural heritage.
6. The Registered Aboriginal Parties have identified significant concerns regarding the importance of maintaining cultural flows within the Macleay River, both more generally and in relation to specific sites/places of cultural value. The ACHAR proposes that this will be further considered as part of water licensing processes. Please clarify why this cannot occur as part of the current assessment process.
7. The ACHAR notes the presence of a 'significant part of the cultural landscape biographies of the Aboriginal women connected to Kunderang', being a travel route between the Georges Creek camp and Kunderang Station. Please confirm how the potential impacts of the proposal on this portion of the cultural landscape have been considered.

Adequacy of survey

8. The ACHAR identifies that an escarpment is present within the project area but was not surveyed due to safety concerns. Please clarify whether this escarpment is within the construction envelope and, if so, whether there is potential to undertake survey of this area with a team of appropriately physical fitness.
9. Please confirm that the survey transects shown in Figure 7.1 represent pedestrian survey. If these transects reflect a mix of pedestrian and vehicle survey, please adjust the figure to distinguish each of these survey methods.
10. The mapping of survey effort shows an unsurveyed area on the construction envelope to the north-east of the intersection with Waterloo Creek. Given that the adjoining surveyed areas contain a relatively high distribution of artefact scatters/isolated artefacts, please confirm if there is an intention to survey this area, potentially in association with the finalisation of test excavations.

Landform mapping

11. The ACHAR does not include mapping of specific landforms within the project area. The mapping and definition of landforms across the project area is critical given that the acknowledged association between landform and the distribution of archaeological sites and deposits. To comply with Requirement 2 of the Code of Practice, please provide landform mapping using standard classifications, preferably referencing landform units as defined in the 'Landform' chapter of the *Australian Soil and Land Survey Field Handbook* (3rd edition).

Test excavation outcomes

12. The ACHAR identifies that some planned test pits were 'discounted' on the basis that there were situated in areas considered to have low archaeological potential. In presenting the test excavation results, please provide clear explanation for the final distribution of test pits with reference to considerations of archaeological potential.
13. It is understood that approximately 25% of the planned test excavation program could not be completed due to weather and access conditions. Heritage NSW strongly supports the recommendation in the ACHAR that the remainder of test excavation be completed prior to project approval in order to inform final consideration of harm to Aboriginal objects. This is particularly applicable to the eastern portion of the construction envelope, which is also identified as having the potential to contain deeper alluvial soils. The results of these test excavations will inform final consideration of the adequacy of proposed mitigation measures.
14. The ACHAR states that test excavation was focused on elevated landforms (mainly spurs and crests) associated with the Macleay River and that limited test excavation was undertaken in the areas of moderate to steep relief associated with the proposed reservoir locations and no test excavation was undertaken in the elevated northern portion of the construction envelope. Given this, please justify the basis for extrapolating the results of test excavation to assess the entirety of

the construction envelope as comprising low density artefact scatter. The response should consider the landforms across the construction envelope and the site density data by landform presented for the survey in Table 7.2.

15. Please provide a table correlating recorded sites and test pits with identified focal areas.

Clarification of harm to archaeological sites

16. The ACHAR identifies that three recorded sites will be inundated as a result of the proposal but specifies that this will not result in any loss of value. Please clarify this statement with reference to the potential impacts to sites of this type from increased water movement, changes to site context and potential impacts on site accessibility.
17. The ACHAR identifies that six potential culturally modified trees and three potential stone arrangements will be subject to complete harm from the project, with indirect harm (through inundation) to a potential quarry site, potential stone arrangement and potential grinding groove. It is noted that the Registered Aboriginal Parties identified one tentatively recorded site subject to direct impact (OMPS-SA6) as possibly being associated with a burial. The ACHAR must confirm the status of these sites (as either Aboriginal cultural sites or not) and appropriately assess their significance to inform Heritage NSW's consideration of project impacts. Consideration should also be given to clarifying the status of other tentatively identified sites that are located outside the construction envelope however this may occur following project approval.
18. The ACHAR includes a recommendation that consideration should be given to optimising design to avoid harm to the identified sites. Please provide further information on the timing of this consideration and the likelihood of site avoidance.

Consideration of Ecologically Sustainable Development and Cumulative Impacts

19. The ACHAR states that 'the current and proposed impacts of the Project and associated material culture loss, can be considered to have significant benefits.' Heritage NSW disagrees with this conclusion. Harm to Aboriginal cultural heritage from the proposal is irreversible and while obtaining additional information can mitigate this loss, it does not constitute a positive outcome.

Management and Mitigation Recommendations

20. An indicative methodology for further investigation and salvage of the identified foci subject to harm (as may be applied to OMPS-FA1-4 and 8-12) is provided. It is understood that a detailed methodology has not been provided pending design finalisation. Please clarify whether this detail will be available prior to project approval.
21. The detailed methodology will be developed on the basis that the sites subject to salvage have moderate significance. Heritage NSW recommends that the methodology should include a requirement that, where salvage excavation indicates that a site has a level of significance higher than that considered in the

ACHAR, salvage excavation will be paused until additional consultation is undertaken with the Registered Aboriginal Parties and Heritage NSW to determine whether salvage should continue, should be modified or whether the significance is such that the site or portion of the site should be avoided.

22. Specific methodologies for the archival recording and proposed management of scarred trees, stone arrangements and quarry sites subject to harm by the proposal should be provided to allow Heritage NSW to comment on the adequacy of any such mitigation works. Given that work will be undertaken to confirm the status of these sites, the methodologies (if required) must be developed for all sites identified as valid.

Management of artefacts collected on tracks

23. Correspondence with Heritage NSW dated 28 June 2022 states that artefacts located on key access tracks would be moved off the access track but remain in the general vicinity of the identified location (generally no more than 15 metres from its current location). However, the ACHAR indicates that artefacts were collected and subject to several different storage options including temporary storage in a locked box attached to a tree, placement in the vicinity of an identified landmark and potentially storage in another location on site. Please clarify if any additional consultation was undertaken in relation to this apparent change in the agreed methodology.

Environment Protection and Biodiversity Conservation Act 1999

- Kunderang East Pastoral Station (listed on the SHR as having significant Aboriginal cultural values) is located within the World Heritage and National Heritage listed GRA but is outside of the project area. The World and National Heritage Impact Assessment report has assessed that the Project will not result in visual impacts to Kunderang East Pastoral Station. However, the ACHAR identifies that additional consideration of potential indirect and visual impacts to this site is required. Any revised visual impact assessment for Kunderang East Pastoral Station may subsequently need to be considered in the World and National Heritage impact assessment.
- The World and National Heritage Impact Assessment report has assessed that no Project activities will interact with Aboriginal cultural sites in the World Heritage area and National Heritage place.
- Based on the above, Heritage NSW has no further comment on Aboriginal cultural heritage in relation to Commonwealth matters of national environmental significance, pending further consideration of visual impacts.

Administrative Matters

24. The AHIMS searches provided in Appendix E are over 12 months old. Please undertake an updated AHIMS search and confirm that there are no additional



sites recorded within or immediately adjacent to the project area that require inclusion in the ACHAR.

25. Based on a review of AHIMS, a portion of the sites identified during the ACHAR have been registered on AHIMS. Please provide a table listing sites by name, AHIMS ID and site type for ease of comparison.

If you have any questions regarding the above, please contact Nicola Roche, Principal Assessments Officer, on (02) 9228 6424 or at nicola.roche@environment.nsw.gov.au.

Yours sincerely

Nicole Davis

Nicole Davis

Manager Assessments

Heritage NSW

Department of Climate Change, Energy, the Environment and Water (DCCEEW)

As Delegate under *National Parks and Wildlife Act 1974*

1 March 2023