



Jacobs

Hunter Power Project

Non-Aboriginal cultural heritage assessment

Rev 0

8 April 2021

Snowy Hydro Limited



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Project No: IS354500
Document Title: Non-Aboriginal cultural heritage assessment
Document No.: Hunter Power Project
Revision: Rev 0
Date: 8 April 2021
Client Name: Snowy Hydro Limited
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File Name: IS354500_Hunter Power Project EIS_Heritage_Final_210408

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Document history and status

Revision	Date	Description	Author	Checked	Reviewed	Approved
Rev 0	08/04/2021	Final	A Seifertova	F Scully	M Luger	K Ivanusic

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Executive Summary

This report presents the results of a non-Aboriginal cultural heritage assessment for a proposed new gas fired power station located at the former Kurri Kurri aluminium smelter site owned by Hydro Aluminium Kurri Kurri Pty Ltd (Hydro Aluminium). The proposed power station will consist of two F Class Open Cycle Gas Turbines (OCGT) and a new electrical switchyard. It will be connected to a new gas lateral (developed by others under a separate planning application).

A search of relevant local, State and Federal government heritage datasets has resulted in no registered items being identified within a one kilometre radius of the project area. The closest recorded item of local significance is located 1.3 kilometres east (Local Environmental Plan Item #I212).

The proposed works are located outside the curtilage of any listed heritage items and would have no direct (physical) impact or visual impact on any nearby listed heritage items. Therefore, no additional heritage assessment is required prior to the start of works.

However, as unexpected archaeological finds can be identified in even disturbed ground, the following recommendations are proposed for the management of unexpected heritage finds identified during construction.

- All contractors and subcontractors should be made aware of their obligations under the Heritage Act 1977
- Should any unexpected non-Aboriginal heritage, including archaeological relics, be uncovered during the course of the proposed works, works should stop, and the area be cordoned off. A qualified archaeologist and, if necessary, Heritage NSW (in accordance with s146 of the Heritage Act 1977) should be contacted to assess significance and advise on further requirements before work can recommence.

Abbreviations

Abbreviation	Definition
AHD	Australian Heritage Database
The Burra Charter	Australia ICOMOS Charter for Places of Cultural Significance
CHL	Commonwealth Heritage List
CSSI	Critical State Significant Infrastructure
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
Proposal	Power station including 132 kV electrical switchyard
Heritage Act	<i>Heritage Act 1977</i>
ICOMOS	International Council on Monuments and Sites
ISO	International Standards Organization
Jacobs	Jacobs Group (Australia) Pty Ltd
LEPs	Local Environmental Plans
LGA	Local Government Area
NHL	National Heritage List
OCGT	Open Cycle Gas Turbines
Proponent	Snowy Hydro
RNE	Register of the National Estate
SEARs	Secretary's Environmental Assessment Requirements
SHR	State Heritage Register
Snowy Hydro	Snowy Hydro Limited
SoHI	Statement of Heritage Impact

1. Introduction

1.1 Project background

Snowy Hydro Limited (Snowy Hydro) ('the proponent') proposes to develop a gas fired power station near Kurri Kurri, NSW ('the Proposal'). Snowy Hydro is seeking approval from the NSW Minister for Planning and Public Spaces under the NSW Environmental Planning and Assessment Act 1979 (EP&A Act) for the Proposal.

The Proposal involves the construction and operation of a power station and electrical switchyard, together with other associated infrastructure. The power station would have a capacity of up to approximately 750 megawatts (MW) which would be generated via two heavy duty gas turbines.

The Proposal will operate as a "peak load" generation facility supplying electricity at short notice when there is a requirement in the National Electricity Market (NEM). The major supporting infrastructure that is part of the Proposal would be a 132 kV electrical switchyard located within the Proposal Site. The Proposal would connect into existing 132 kV electricity transmission infrastructure located adjacent to the Proposal Site.

A new gas lateral pipeline will also be required. This would be developed by a third party, and subject to a separate planning approval.

Construction activities for the Proposal are anticipated to commence early 2022 and the Proposal is intended to be fully operational by the end of 2023, with operations potentially commencing in mid 2023.

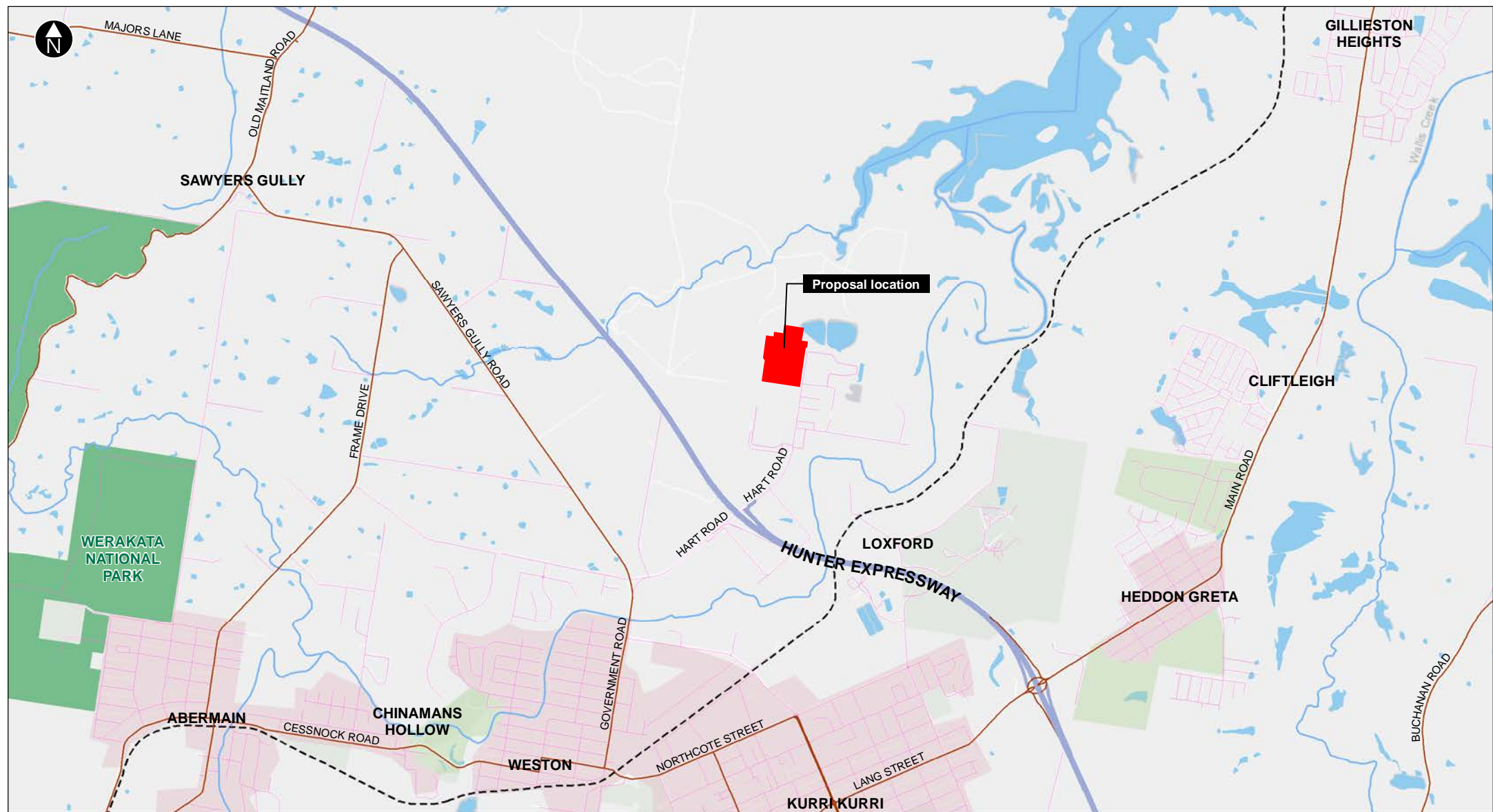
The Proposal Site is located in the small suburb of Loxford in the Hunter Valley region of New South Wales, approximately three km north of the town of Kurri Kurri, approximately 30km west of Newcastle CBD and 125km north of Sydney. The Proposal Site is located within the Cessnock City Council local government area (LGA). The Proposal Site is shown in Figure 1.1 and forms part of the decommissioned Hydro Aluminium Kurri Kurri Pty Ltd (Hydro Aluminium) aluminium smelter site which ceased operation in late 2012, was permanently closed in 2014 and which is being progressively demolished and the site remediated.

An environmental impact statement (EIS) for the Proposal has been prepared under Division 5.2 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). This Heritage Assessment has been prepared to support the EIS. The purpose of this report is to address the relevant sections of the Secretary's Environmental Assessment Requirements (SEARs) issued on 5 February 2021 (SSI 12590060). The report preparation has also taken cognisance of any applicable agency comments. Table 1.1 outlines the SEARs relevant to this assessment.

Table 1.1: SEARs relevant to this assessment

Secretary's requirement
Heritage – including an assessment of the likely non-Aboriginal heritage impacts of the project

This constraints level assessment is based on register searches undertaken on 16 December 2020 and a review of literature. A field investigation was not undertaken.



- | | | |
|---|---|--|
| Proposal location | Urban areas | Motorway |
| National Parks and Wildlife Services estate / reserve | Waterbodies | Main roads |
| Recreation areas | | Roads |
| | | Railway |

0 1 2 km

1:40,000 at A4
Coordinate System: GDA2020 MGA Zone 56

Data sources:
Jacobs
NSW Spatial Services

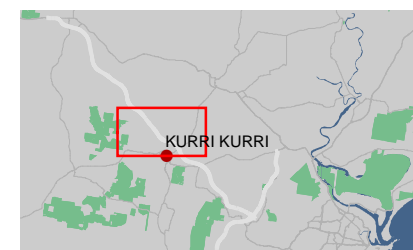


Figure 1-1 Proposal location (regional)

2. Legislative and policy context

2.1 Federal legislation

2.1.1 *Environment Protection and Biodiversity Conservation Act 1999*

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) includes 'national heritage' as a Matter of National Environmental Significance and protects listed places to the fullest extent under the Constitution. It also establishes the National Heritage List (NHL) and the Commonwealth Heritage List (CHL).

The following is a description of each of the heritage lists and the protection afforded places listed on them.

2.1.2 Commonwealth Heritage List

The CHL is established under the EPBC Act. The CHL is a list of properties owned by the Commonwealth that have been assessed as having significant heritage value. Any proposed actions on CHL places must be assessed for their impact on the heritage values of the place in accordance with Actions on, or impacting upon, Commonwealth land, and actions by Commonwealth agencies (Significant Impact Guidelines 1.2). The guidelines require the proponent to undertake a self-assessment process to decide whether or not the action is likely to have a significant impact on the environment, including the heritage value of places. If an action is likely to have a significant impact an EPBC Act referral must be prepared and submitted to the Minister for approval.

A search of the CHL has shown no listings within a one kilometre radius of the Proposal Site.

2.1.3 National Heritage List

The NHL is a list of places with outstanding heritage value to Australia, including places overseas. Any proposed actions on NHL places must be assessed for their impact on the heritage values of the place in accordance with Matters of National Environmental Significance (Significant Impact Guidelines 1.1). The guidelines require the proponent to undertake a self-assessment process to decide whether or not the action is likely to have a significant impact on a matter of National Environmental Significance, including the national heritage value of places. If an action is likely to have a significant impact an EPBC Act referral must be prepared and submitted to the Minister for approval.

A search of the NHL has shown no listings within a one kilometre radius of the Proposal Site.

2.1.4 Register of the National Estate

The Register of the National Estate (RNE) was formerly compiled as a record of Australia's natural, cultural and Aboriginal heritage places worth keeping for the future. The RNE was frozen on 19 February 2007, which means that no new places have been added or removed since that time. From February 2012 all references to the RNE were removed from the EPBC Act. The RNE is maintained on a non-statutory basis as a publicly available archive.

A search of the RNE has shown no listings within a one kilometre radius of the Proposal Site.

2.2 State legislation

2.2.1 *Environmental Planning & Assessment Act 1979*

The *Environmental Planning and Assessment Act 1979* (EP&A Act) requires that environmental impacts are considered in land-use planning, including impacts on Aboriginal and non-Aboriginal heritage. Part 5 Division 5.2 of the EP&A Act applies for projects designated as State Significant Infrastructure (including Critical State Significant Infrastructure). This influences the way in which other legislation, including the *Heritage Act 1977* is applied.

2.2.2 *Heritage Act 1977*

The *Heritage Act 1977* (Heritage Act) provides a number of mechanisms by which items and places of heritage significance may be protected. The Heritage Act is designed to protect both listed non-Aboriginal heritage items and potential non-Aboriginal archaeological remains or relics. Currently, the Heritage Act is administered by Heritage NSW.

State heritage register

Section 31 of the Heritage Act creates the State Heritage Register (SHR). Only those items which have been designated as being of state heritage significance in NSW by the Minister are listed on the SHR. Listing on the SHR controls activities such as alteration, damage, demolition and development. When a place is listed on the SHR, the approval of the Heritage Council of NSW is required for any major work, including the following:

- Demolishing the building or work
- Carrying out any development in relation to the land on which the building, work or relic is situated, the land that comprises the place, or land within the precinct
- Altering the building, work, relic or moveable object.

Ordinarily, an application under s60 of the Heritage Act must be made to Heritage NSW in order to carry out any such activities. However, s5.23 (1) (c) of the *Environmental Planning and Assessment Act 1979* specifically excludes the necessity for applying either a permit under s60 or any other approval under Division 8 of Part 6 of the Heritage Act.

A search of the SHR has identified one item of state heritage significance in the Kurri Kurri area (Richmond Main Colliery) located approximately eight kilometres from the Proposal Site. No listings are within a one kilometre radius of the Proposal Site.

Archaeological relics

Part 6 Division 9 of the Heritage Act protects archaeological 'relics' from being 'exposed, moved, damaged or destroyed' by the disturbance or excavation of land. This protection extends to the situation where a person has 'reasonable cause to suspect' that archaeological remains may be affected by the disturbance or excavation of the land. It applies to all land in NSW that is not included in the SHR. A 'relic' is defined at s4 by the Heritage Act as:

Any deposit, artefact, object or material evidence that:

- (a) Relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and*
- (b) Is of State or local heritage significance.*

Ordinarily, s139 of the Heritage Act requires any person who knows or has reasonable cause to suspect that their proposed works will expose or disturb a 'relic' to first obtain an Excavation Permit from the Heritage Council of NSW (pursuant to s140), unless there is an applicable exception (pursuant to s139(4)). However, under s5.23 (1) (c) of the EP&A Act, the requirement for an approval under s139 is excluded for projects designated as Critical State Significant Infrastructure (CSSI).

The provisions under Division 5.2 of the EP&A Act, however, apply only to approvals in Part 4 of the Heritage Act. All other sections of the Heritage Act, such as s146 (requiring any person who is aware or believes that they have discovered or located a relic notifying the Heritage Council of NSW and providing details of the location and other information required) are not invoked by the EP&A Act.

Works

The Heritage Act identifies 'works' as a category separate to relics. 'Works' refer to past evidence of infrastructure which may even be buried, and so therefore 'archaeological' in nature and with the potential to provide information that contributes to our knowledge. Exposure of a 'work' does not trigger reporting obligations under the Heritage Act. However, good environmental practice recognises the archaeological potential of such discoveries and the need to balance these against the requirements of development. Unexpected finds protocols provide guidance for the way such finds are to be managed when uncovered during construction and other activities.

Section 170 heritage and conservation registers

Section 170 of the Heritage Act requires State Government agencies to identify, conserve and manage heritage assets owned, occupied or managed by that agency. Section 170 also requires government agencies to keep a Register of heritage items, which is called a Heritage and Conservation Register or more commonly, a s170 Register.

The Heritage Act obliges government agencies to maintain their assets with due diligence in accordance with State-Owned Heritage Management Principles approved by the Minister on the advice of the Heritage Council and notified by the Minister to government instrumentalities from time to time.

A search of the Transport for NSW Section 170 heritage and conversation registers has shown no listings within a one kilometre radius of the Proposal Site.

2.2.3 Local heritage

Items of local heritage significance are administered by local councils, under their Local Environmental Plans (LEPs). Many of the LEPs now follow a standard format, which requires development consent prior to the demolition, moving or alteration of a heritage item or potential archaeological deposits (cl. 5.10, standard LEP). A Council may elect to waive this requirement if it is satisfied that the works are minor in nature, are maintenance works, will otherwise not impact on the heritage significance of the item or is exempt development (cl. 5.10 (3)). In all other cases, a development application must be submitted to council and a Statement of Heritage Impact may be required (cl 5.10 (5)).

A search of the Cessnock 2011 LEP has shown no listings within a one kilometre radius of the Proposal Site. The closest registered item is the South Maitland Railway System (LEP# I212), located 1.3 kilometres east of the Proposal Site.

2.3 Policies and guidelines

2.3.1 The Burra Charter

In addition to the above legislation, Australia is party to numerous international treaties and protocols relating to the protection of heritage places. The most important of these is the Australia International Council on Monuments and Sites (ICOMOS) Charter for Places of Cultural Significance (The Burra Charter), which forms the basis of most heritage legislation and best practice guidelines.

The purpose of the Burra Charter is to provide best practice standards for heritage management. It provides steps for the assessment and management of heritage, as well as principles for the effective conservation, maintenance and/or preservation of items of cultural heritage.

Management of potential heritage items within the Proposal Site is assessed in Section 5 of this cultural heritage constraints analysis.

2.3.2 NSW Heritage Manual

The NSW Heritage Manual (1996) is a collection of policies and documents prepared by the former Heritage Branch, now known as Heritage NSW. The policies and documents provide guidance and minimum standards expected in the assessment, reporting and excavation of non-Aboriginal heritage in NSW. These minimum standards include:

- *Guidance and standards relating to the assessment of significance* (NSW Heritage Office 2001)
- *Guidance and minimum standards relating to the preparation of Statements of Heritage Impact* (NSW Heritage Office 2002)
- *Significance and Significant Fabric* (NSW Heritage Office 2020).

In addition, there are minimum requirements for the approval of excavation directors in NSW (Heritage NSW 2019).

3. Brief historical context

3.1 Pre 1780

Aboriginal people were documented living in the Hunter Valley by Europeans who first visited and settled in the area (Gunson 1974). The Hunter Valley was first described in writing by Sir Thomas Mitchell in 1831 who defined it as "being park-like" with light forest and grassy glades, populated by many different animals such as marsupials, birds with rivers full of shellfish and fish (Mitchell 1839).

The settlement of Europeans within the region resulted in the introduction and spread of disease and violence on Aboriginal populations. Though it is difficult to estimate population sizes prior to European colonisation the overall number of different Aboriginal groups and the location of their territorial boundaries were severely affected by a smallpox epidemic beginning in or before 1789. Mortality rates from the epidemic are difficult to measure precisely, but are likely to have been around 80 percent (Butlin 1983). Mortality could plausibly have been as high as 98 percent based on observations of smallpox's effects on previously unexposed populations in other continents (Hiscock 2008: 14). The impact of the smallpox epidemic on the distribution of Aboriginal groups across the landscape is likely to have been severe.

3.2 Early settlement of Kurri Kurri

The first official expedition inland to explore the Hunter River was completed by Lieutenant-Colonel Paterson. A result of this expedition Lieutenant-Colonel Paterson, reported that the river systems of the Hunter, Williams and Paterson River gave good access to stands of timber (Brayshaw 1987: 9). Settlement of the greater Kurri Kurri region would begin following John Howe's pioneering expeditions to the Hunter Valley in 1819 and 1820. This ultimately led to the construction of the Great North Road between 1826 to 1836 which opened up the Swamp and Wallis Creek valleys for settlement (Pike and Walker and Associates 1994).

Benjamin Blackburn was one of the first settlers to acquire over 400 acres of land in the present day Kurri Kurri and Pelaw Main area. He was followed by John Campbell in 1826 who acquired 2560 acres which he named Cessnock after his family estate in Scotland (Parkes et al. 1979: 106). Large portions of land to the north of the current Proposal Site were reserved as Village Reserve (V.R.) and Travelling Stock Route (T.S.R. 37). Land which was cultivated was predominantly used for beef cattle rearing / grazing. With the local soils reported as unfavourable for crop farming for wheat, maize, potatoes and tobacco (Pike and Walker and Associates 1994: 6).

The greater Kurri Kurri area remained predominantly rural until the discovery of coal in commercial quantities and the subsequent development of the South Maitland Coalfields. Greta Coal and Shale Mine Company were the first commercial coal operation in the area, forming in 1864 (Parkes et al. 1979: 217). The growth of coal mining resulted in an increase in population and by the early 1900s the small villages which were established around the major collieries were no longer able to adequately accommodate the increasing number of workers and their families (Smith 1979: 4). As a result, by 1902, a proposal for the establishment of the town of Kurri Kurri was approved by the Executive Council (Smith 1979: 4).

Kurri Kurri became the first government proclaimed mining town in NSW. As it was planned, the town was laid out by surveyors on a grid pattern with blocks set aside for services such as a school, police station, court house and post office (Pike and Walker and Associates 1994: 6). Blocks of land were offered for sale from 1903. The electoral roll of 1903 recorded a population of 1,200 persons, and by February 1904 the town was being supplied with water (Smith 1979: 5).

3.3 Mining

The presence of coal deposits in the lower Hunter Valley was first identified by Reverend W. B. Clarke prior to 1860. More extensive survey work was completed in 1886 by T.W. Edgeworth David and it was this survey area which would become the South Maitland Coalfields (Ellis 1969: 126). The discovery by David of the Greta Coal Measures prompted the then Department of Mines to reserve over 12,000 hectares of land for coal mining purposes and by 1907 ten collieries were operating or under development on the South Maitland Coalfields (Pike and Walker and Associates 1994: 7). Some of the early mines included: Heddon Greta (1900), Stanford Methyr (1900), Pelaw Main (1901), and Hebburn No. 1 (1902) collieries.

The location of Kurri Kurri was able to effectively service the mines of the Greta Coal measures along with Stanford Merthyr, Pelaw Main, and Abermain. A boost to the town was the construction of a private railway system in 1892 that linked the new mines to the main rail network at East Greta (Delaney 1968: 2). The South Maitland Railway was comprised of a series of privately constructed and owned rail lines built to service the early coal mining industry in the Cessnock and Maitland area. The railway was a result of collaboration between the Clyde Coal Land and Investment (acquired by the Silkstone Coal Company) and the East Greta Coal Company. The decline in the coal industry in the lower Hunter in the 1950s and 1960s and the closure of many mines led to subsequent closure of the related railway links (Attenborough 2001: 114).

3.4 Kurri Kurri aluminium smelter

The local coal mining industry began to decline in the 1950s and 1960s where a large number of collieries began to close due to deepening seams, difficult ground conditions, and a reduction in coal markets. Unemployment levels rose, and many locals began to move away from the area to pursue work elsewhere. In 1969 the announcement by Alcan Australia that Kurri Kurri had been chosen as the location for a new aluminium smelter, the first in NSW, was seen as a positive outcome for employment in the area. Kurri Kurri as a location was chosen largely because of the proximity to the Port of Newcastle, the presence of the state's major power stations, and a skilled workforce developed by the Hunter mining industry.

An initial capacity of the smelter was less than 25,000 tonnes of aluminium per annum. Two expansion projects brought the annual tonnage to 150,000 tonnes by 1985 (Alcan Australia Limited 1988: 2). Under Alcan's ownership, approximately half of the aluminium metal from the smelter was sent to the company's fabrication plants in Sydney, Melbourne and Brisbane, with the remaining half exported to Japan, Southeast Asia and the USA (Alcan Australia Limited 1988: 3).

In mid-2000, the Kurri Kurri smelter was acquired by the German company VAW Aluminium AG, which two years later was passed to Norsk Hydro ASA. Aluminium production in Australia began to be unviable due to a variety of factors. The most significant included the increasing privatisation of the local electricity market, which resulted in a loss of subsidies, in addition to a weak global price for aluminium. In 2012 Norsk Hydro announced the closure of the Hydro Aluminium Smelter at Kurri Kurri with primary metal production ceasing in September 2012 and casthouse production finishing in October 2012.

Following its decommissioning in 2012, RPS completed a Statement of Heritage Impact (SoHI) for the proposed redevelopment of the area as residential land, employment land, rural, and conservation lands (RPS 2015). The investigation assessed the smelter complex as having local cultural heritage significance, however its retention solely as a heritage item was not considered viable. Recommendations were put in place for a photographic archival record to be completed prior to its proposed demolition.

4. Heritage database search results

The following databases were searched on 16 December 2020:

- The Australian Heritage Database (AHD), which includes Australian World Heritage Areas, National Heritage List and Commonwealth Heritage List
- Register of the National Estate
- NSW State Heritage Register
- Cessnock LEP
- Transport for NSW s170 heritage register.

No registered items are located within a one kilometre radius of the Proposal Site. The closest recorded item is of local significance and is located 1.3 kilometres east (refer to Table 4.1 and Figure 4.1).

Table 4.1: Historical heritage item listed outside the Proposal Site

Heritage register	Item name	Address of item type	ID number (Map reference)	Distance to project area	Potential to be Impacted (Y/N)
Cessnock LEP	South Maitland Railway System	Between Pelton Colliery Triangle and LGA Boundary at Clifftleigh, NSW	I212	1.3 kilometres	N



- Proposal site
- Motorway
- Main roads
- Roads
- Railway
- Waterbodies
- EPI Heritage (Cessnock Local Environmental Plan 2011)

- ① Proposed Switchyard Area
- ② Proposed Plant Area
- ③ Proposed Buffer Area

0 0.5 1 km

1:15,000 at A4
Coordinate System: GDA2020 MGA Zone 56

Data sources:
Jacobs 2020
Aerometrix 2020
NSW Spatial Services
NSW environmental planning instrument (EPI)

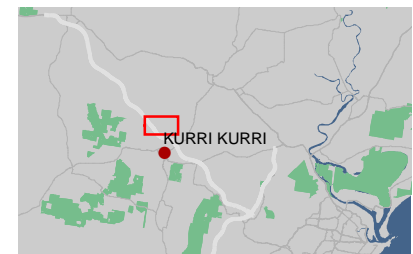


Figure 4.1 Location of historical heritage items in the vicinity of the Proposal Site

5. Conclusions and recommendations

The Proposal is located outside the curtilage of any listed heritage items and would have no direct (physical) impact or visual impact on the any nearby listed heritage items. Therefore, no additional heritage assessment is required prior to the start of works.

However, as unexpected archaeological finds can be identified in even disturbed ground, the following recommendations are proposed for the management of unexpected heritage finds identified during construction.

- All contractors should be made aware of their obligations under the *Heritage Act 1977*
- Should any unexpected non-Aboriginal heritage, including archaeological relics, be uncovered during the course of the proposed works, works should stop, and the area be cordoned off. A qualified archaeologist and, if necessary, Heritage NSW (in accordance with s146 of the *Heritage Act 1977*) should be contacted to assess significance and advise on further requirements before work can recommence.

6. Reference list

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