

Our ref: HMS ID 11587

Kurtis Wathen
Department of Planning, Housing and Infrastructure
kurtis.wathen@dpie.nsw.gov.au

Letter uploaded to the Major Projects Planning Portal

Advice on Environmental Impact Statement – State Significant Infrastructure

Proposal: Hunter Transmission Project

Major Project reference: SSI-70610456

Received: 22 August 2025

Dear Kurtis,

Thank you for your referral seeking advice on the above State Significant Infrastructure proposal. It is understood that the proposal involves the construction of new electricity transmission infrastructure, two new switching stations (Bayswater South and Olney), upgrades to existing substations, transmission lines and utilities and ancillary works as required to support construction. For the purposes of assessment, it is understood that all impacts associated with the project will be confined to the area identified in the relevant documents as the 'project impact area'. Following the completion of construction, a smaller 'operation impact area' will remain in place.

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

- Relevant sections of the Environmental Impact Statement: Hunter Transmission Project – prepared by The Energy Corporation of NSW (EnergyCo), dated August 2025
- Technical report 2 – Aboriginal Cultural Heritage Assessment: Hunter Transmission Project – prepared by EMM Consulting Pty Ltd, dated August 2025

The Aboriginal Cultural Heritage Assessment Report (ACHAR) has been informed by desktop research, survey and test excavations and has been prepared in consultation with Registered Aboriginal Parties (RAPs). It is understood that the test excavation program has focussed upon areas of proposed project elements identified to potentially overlap with the Warkworth sand system or areas identified as having high potential for sub-surface deposits during survey. It is further understood that at Environmental Impact Statement (EIS) submission, the test excavation program is incomplete owing to landowner and access constraints. Works associated with the remaining test excavations in the northern portion of the Hunter Transmission Project (HTP) study area (adjacent to

the Hunter River and Loder Creek and in areas intersecting Warkworth Sands) are understood to be in progress with the results proposed to be provided in the Response to Submissions (RTS) Report.

Heritage NSW acknowledges the large volume of work that has been undertaken to develop the ACHAR and is supportive of the ongoing effort to reduce impacts to Aboriginal cultural heritage through refinements to the project design. We also acknowledge and support the applicants' commitment to avoid impacts to five areas of high Aboriginal cultural significance within the project impact area including DEEP CK MOTHER SWA (AHIMS #37-6-3714), Flat Rock Cultural Landscape / HTP-C-CP01 (AHIMS #45-3-5003), HTP-C-CVM08 (AHIMS #45-3-5010), HTP-C-GG03 (AHIMS #37-6-4484), and HTP-C-GG05 (AHIMS #45-3-5006). Following the review of the above documents, however, Heritage NSW recommends that the Department of Planning, Housing and Infrastructure (DPHI) request that the applicant address the key matters summarised below and detailed in Attachment A prior to considering project approval.

Key matters critical to understanding the proposed impacts and required by RTS:

- **Site amalgamation** – Concerns with amalgamating isolated artefacts and low-density scatters into a general 'background scatter' registration as it masks nuances, distorts cumulative impacts, creates compliance risks, complicates heritage management and affects constructability. Revisions are therefore requested to ensure compliance with assessment and legislative requirements, reduce project risks and impacts to other land managers, align with existing management commitments and improve Ecologically Sustainable Development outcomes.
- **Interaction with lands under other approvals and authorities** – Greater consideration of overlap with lands and Aboriginal sites managed under other approvals (e.g. Mining Leases, longstanding Major Project and SSD Approvals) and authorities (e.g. National Parks and Wildlife Service [NPWS], Forestry Corporation of NSW and the Department of Defence) and implications for Aboriginal cultural heritage management.
- **Site mapping and assessment** – Additional consideration and mapping of Aboriginal sites and potential archaeological deposits (PAD) within and adjacent to the project impact area with specific reference to site extent / boundaries.
- **Assessment of potential impacts** – Clarifications relating to significance and impact assessments for all sites including further consideration of the potential for sites to extend into the project impact area and explicit consideration of potential indirect and/or partial impacts.

Matters relating to management and mitigation including commitments for post-approval assessment and/or management:

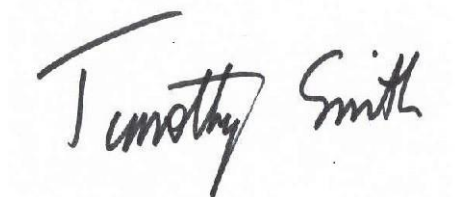
- Identification of commitments relating to outstanding assessment requirements (i.e. testing and survey) and timelines.
- Updates to proposed Management and Mitigation Measures and clear presentation of post-approval management commitments and/or requirements for all sites and values.

Matters relating to ongoing assessment and administrative actions:

- Updates based on the outcomes of ongoing archaeological survey and test excavations.
- Additional information and clarification relating to Aboriginal community consultation.
- Site card updates to the Aboriginal Heritage Information Management System (AHIMS).

Please note that the comments provided relate only to Aboriginal cultural heritage regulation matters. If you have any questions about this correspondence, please contact Marika Low, Senior Assessments Officer at Heritage NSW on (02) 9873 8500 or heritagemailbox@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 Assessments

Heritage NSW

Department of Climate Change, Energy, the Environment and Water

As Delegate under *National Parks and Wildlife Act 1974*

23 September 2025

Attachment A – Detailed Aboriginal cultural heritage advice on SSI-70610456

Site identification and distribution

Heritage NSW has strong concerns with the non-standard approach adopted to amalgamate ~191 previously recorded and/or newly identified discrete Aboriginal site recordings into a “*a broader low density background scatter*” ‘site’ which is “*considered to extend disparately across the project impact area*”. The treatment of these isolated artefacts and low-density artefact scatters as a single ‘site’ conflates archaeological interpretation with legislated requirements surrounding the registration of Aboriginal sites and objects and presents issues in terms of the constructability of not only HTP but also any projects/works within lands that intersect the project impact area. Further, such an approach unnecessarily masks nuances and variability in the archaeological record, does not accurately reflect the spatial distribution of Aboriginal object/s identified as part of the assessment (Comments 1, 2 and 6), presents issues in terms of the comparability of data/patterning between projects (Comments 2 and 3), distorts and underplays the cumulative impacts of the project (Comment 7) and creates challenges in terms of the management of Aboriginal cultural heritage particularly for Aboriginal sites located on lands also managed and controlled under a range of approvals, and by other government authorities (i.e. National Parks and Wildlife Service [NPWS], Forestry Corporation of NSW and Department of Defence) (Comments 4 and 5).

While isolated artefacts and low-density scatters may be interpreted and discussed collectively within the ACHAR as being indicative of a general background scatter and/or sporadic, short-term use of the landscape, we request that the discrete recordings not be considered as a single ‘site’ but rather that the assessment allows for individual management consistent with current best practice. We additionally request that the following matters be addressed to ensure compliance with assessment and legislative requirements:

1. Please ensure that all isolated artefacts and low-density scatters identified during the survey and/or test excavations are individually registered on the Aboriginal Heritage Information Management System (AHIMS) as required by Section 89A of the *National Parks and Wildlife Act 1974* and as per the advisory note under Requirement 6 of the *Code of Practice for Archaeological Investigation of Aboriginal objects in NSW* (‘the Code of Practice’; DECCW 2010) which states that “*an AHIMS Site Recording Form must be completed for all isolated artefacts or sites*”.
2. Please update the site descriptions provided in the ACHAR (e.g. Table 10.1 and/or Table 11.2 and Appendix F.3) to include details of the site extent including how the boundary has been determined as per Requirements 6 and 7 of the Code of Practice. We also note that the site definitions and recording methods developed for the assessment as presented in Section E.3.1 of ‘Appendix E’ state that “*stone artefacts more than 50m apart were recorded as separate sites*” and that this approach was adopted to allow “*for efficiencies in site management and to establish consistency in site recording methods*”, however, it is unclear if this approach has been adopted.
3. The ACHAR uses a threshold of less than 20 artefacts per square meter to define low density scatters. We note, however, that this approach is inconsistent with previous assessments completed in association with the Hunter Valley Operations [HVO] continuation project that defined low-density artefact scatters as those with <10 artefacts while those containing 11-30 artefacts were considered medium density artefacts scatters. With this in mind, please provide greater justification for the current use of <20 artefacts per square meter as the threshold for

defining low-density scatters and/or consider updating the definitions/thresholds to be consistent with previous assessments within the region.

4. The project impact area overlaps with lands managed and controlled under a range of approvals, including Mining Leases, longstanding Major Project and SSD Approvals, a number of wind farm projects as well as land managed by NPWS, Forestry Corporation of NSW and the Department of Defence that are likely associated with active management obligations and requirements. Many Aboriginal sites that have been considered as part of the broader background scatter grouping, for example, were originally identified in association with existing approvals and projects under assessment by the DPHI (e.g. the HVO continuation project). The current proposal for unmitigated harm to these sites may therefore conflict with existing management measures required under these approvals. We further note that several approvals and/or current SSD applications have Aboriginal sites marked for conservation that may now be impacted by this proposal. To avoid potential compliance issues and ensure consistency in the management measures proposed for these sites, Heritage NSW requests that the ACHAR be updated to:
 - a. include a section that acknowledges the interface between the project impact area and exiting approvals (mines and wind farms etc.) and/or land managed by NPWS and Forestry Corporation of NSW.
 - b. identifies all Aboriginal sites within the project impact area that are also covered by exiting approvals/Heritage Management Plans (HMPs) and/or land managed by NPWS and Forestry Corporation of NSW including all current management commitments.

We request that this be addressed at RTS stage to provide certainty around the management of Aboriginal sites and ensure consistency and compliance with existing management commitments.

5. A number of previously recorded Aboriginal sites that have been included in the broader background scatter grouping are associated with untested areas of potential archaeological deposits (PAD) and their nature, extent and significance therefore remains unknown. Please update the ACHAR to ensure appropriate investigation/assessment and management of these sites. Noting that not all sites within the project impact area will require impacts depending upon final design, it may be appropriate to complete testing of such sites post-approval under a HMP following finalisation of the detailed design. Where testing is proposed post-approval, however, the methodology must include provisions for the conservation and avoidance of significant Aboriginal cultural heritage should this be identified.
6. Information provided in Appendix F.3 indicates that a potential Aboriginal flaked glass artefact was identified in association with 'FF6' (AHIMS 37-6-0724), an Aboriginal site that has been considered as part of the general background artefact scatter 'HTP-C-BS1' which has been assessed to be of low significance. Considering that flaked glass artefacts are an indicator of contact sites, which are relatively uncommon in the region, please update the ACHAR to include further details of this potential flaked glass artefact, including:
 - a. Analysis of diagnostic features and attributes of the object to support its identification / interpretation as being an Aboriginal flaked glass artefact.
 - b. Photographs of the different surfaces and/or diagnostic features of the object.

- c. Consideration of the potential for additional Aboriginal flaked glass artefacts to occur that may contribute to the research potential and cultural and historical value of the site. Where there is potential for further contact-period archaeology to be present, additional investigation and management may be required.
7. That ACHAR states that there will be no loss of value as a consequence of direct, complete harm to ~191 Aboriginal sites that have been considered as part of the broader background scatter grouping. We note that while isolated artefacts and low-density artefact scatters may be assessed to be of low archaeological significance, unmitigated impact to large quantities of such site types across the region still represents a cumulative impact on the regional resource. To assist in reducing the cumulative impacts of the project, we request that the management recommendations be updated to include:
 - a. Provisions for managing 'low significance' sites on an individual basis as this will allow the retention of any isolated artefacts and low-density scatters where impacts are not required.
 - b. Provisions for the cultural salvage /community collection of known isolated artefacts and low-density scatters where impacts cannot be avoided. We note that such an approach conforms to Ecologically Sustainable Development principles, has been adopted/or proposed for other large-scale infrastructure projects (i.e., HumeLink and VNI West) and may also assist in aligning management requirements for Aboriginal sites covered by existing approvals/ HMPs.

Clarification regarding survey, previously recorded sites & evaluation of potential rockshelter sites

8. The ACHAR states that some 72% of the project impact area was investigated and of the remaining 28%, 4% represent sealed hardstand areas (such as road) and 3% represented "inaccessible dangerous terrain" and "as such only 17% remains to be surveyed" (pg. 169).
 - a. Please clarify what is meant by "inaccessible dangerous terrain" and confirm whether alternative approaches (e.g. drones) to assessing/ inspecting these areas have been considered.
 - b. Please confirm the timeframe for the survey of the remaining 17% of the project impact area, whether any predictions have been made as to the archaeological potential of these areas and how they will be managed.
9. The ACHAR indicates that a large number of previously recorded Aboriginal sites in or within 200 m of the project impact area (n = 82 and n = 48 respectively) could not be relocated during the survey and are therefore "presumed destroyed" and "not considered further in the ACHAR" (pg. 292 and Table G.1 in Appendix G). Where a site is considered destroyed whether through natural or anthropogenic processes, sufficient evidence must be provided to support this beyond a change in surface visibility. This is relevant considering that additional artefacts were identified at several sites listed as being destroyed on AHIMS (see Comment 33). Please update the ACHAR to include additional information to support the assessment of these sites as being destroyed including specific details of site condition and photographs of the areas inspected. Where visibility may have prevented re-identification, as is standard practice, sites should not be considered destroyed but rather, appropriate management measures must be developed to manage these sites where impacts may occur. This may include controlled vegetation clearing to allow reinspection of the area and potential surface salvage under a HMP prior to construction.

10. Please update the criteria used to evaluate potential rockshelter sites (as presented in Section 8.4.1 of the ACHAR and applied in Appendix F.4) to include explicit consideration of the presence of deposit within or directly outside of the shelter (i.e. PAD) and provide an updated evaluation of all potential rockshelter sites.
11. HTP-C-RS03, HTP-C-RS18, HTP-C-RS24 and HTP-S-RS13 comprise of rockshelters recorded as containing PAD. Noting that these potential sites were originally identified as requiring test excavation as per the methodology reviewed by RAPs and Heritage NSW, please provide additional information to clarify why they have been excluded from the assessment despite the presence of untested PAD. Where these rockshelters may be subject to impacts from the project, additional assessment must be undertaken to allow for the development of appropriate management measures.

Clarification of significance assessment and harm to Aboriginal sites

12. It is understood that the overall significance of an Aboriginal site was determined by the highest ranking achieved in any of the four main criteria (i.e. archaeological/scientific, cultural, historical, aesthetic) (pg.363). With this in mind, please clarify why 'HTP-N-AS32' (AHIMS 37-6-4487) is only ranked to be 'Moderate' overall significance despite being of 'High Archaeological Significance' (see Table 11.2).
13. Please clarify why the following valid Aboriginal sites have not been included in the impact assessment presented in the ACHAR despite their registered locations placing them within the project impact area: 'Heatherlea' (AHIMS 37-6-0010), 'Upper Saddler's Creek' (AHIMS 37-2-0024), 'HTP-S-RS14' (AHIMS 45-3-5036), 'Sandy Creek; Sunday Creek' (AHIMS 45-3-0905), 'HTP-N-AS55' (AHIMS 37-6-4563), 'CORROBARE STATE FOREST RD 1' (AHIMS 37-6-2780), and 'Broken Back Trail / Monkey Place Ck' (AHIMS 37-6-0809/37-6-0552). Where there is potential for impacts from the project, appropriate management measures must be developed commensurate to their assessed significance.
14. Map 3 of Figure 10.1 in the ACHAR shows 'HTP-N-AS11' as a moderate density artefact scatter extending into and forming part of the 'archaeological resource of the project impact area', however the site has not been included in Table 10.1 or the impact assessment presented in Table 12.1. Please update the impact assessment to include consideration of this site.
15. Please clarify the scope and nature of proposed ground disturbance works associated with ancillary infrastructure, access trail upgrades, vegetation clearance, tower construction, laydown and switchboard areas, fencing, and existing line upgrades.
16. While the ACHAR acknowledges that rockshelters, grinding grooves, water holes and stone arrangements located within 55 m of the project impact area may be susceptible to indirect impacts from vibration (e.g. pg.371 of the ACHAR and Table G.2 in Appendix G), this has not been included in the impact assessment presented in Section 12 of the ACHAR. Please provide an updated impact assessment which includes consideration of indirect impacts from vibration to Aboriginal sites located in or within 55 m of the project impact area. We note that approximately fifteen (15) rockshelters sites identified as part of this ACHAR and registered on AHIMS as being located within 55 m of the project impact area have not been included in Table G.2 and must be included in the impact assessment.

17. Certain Aboriginal site types/feature (e.g. rockshelters, grinding grooves, water holes and stone arrangements) within or in proximity to the project impact area may be vulnerable to indirect impacts from works such as access trail upgrades and vegetation clearing which may result in altered drainage, increased erosion, and/or sediment movement.
 - a. Due to potential AHIMS location inaccuracies, conduct site surveys to verify the location of nearby vulnerable Aboriginal sites (e.g. AHIMS 45-3-3174/45-3-3175).
 - b. Update the impact assessment to address all potential indirect impacts to Aboriginal sites within and in proximity to the project impact area, particularly those susceptible to indirect impacts from altered drainage, erosion, and sediment movement.
18. Please update the impact assessment presented in the ACHAR to consider the potential for the Aboriginal sites listed in Table G.2 in Appendix G (including those listed in the footnotes) to overlap with the project impact area and thus be subject to direct, partial harm. This should include consideration of the site extent and the distance of the project impact area from the site boundary (rather than the centroid location) noting that the recorded extent of a number of previously recorded sites indicate that they potentially overlap with project impact area (e.g. AHIMS 37-2-0811). Management measures must also be developed where there is potential for partial direct harm from the project and must be commensurate to the assessed significance of the site.
19. Please ensure that the impact assessment and management recommendations are updated to include any additional Aboriginal sites identified during the test excavations that were being completed subsequent to the finalisation of the exhibited ACHAR.
20. The EIS contains discrepancies in the total number of Aboriginal sites noted as being likely impacted by the project (e.g. compare pg.428, 703-704, 1035 and pg. C.4 in Appendix C).

Management and Mitigation Recommendations

21. Please update Table 13.1 in the ACHAR and Section H.1.3 (Methods for identified site types) in Appendix H to include management measures for:
 - a. Aboriginal sites with untested areas of PAD including isolated artefacts and low-density artefact scatters with PAD and rockshelters with PAD.
 - b. Aboriginal sites covered under existing Approvals, HMPs and/or lands managed by NPWS, Forestry Corporation of NSW or the Department of Defence.
 - c. Aboriginal sites containing potential contact archaeology.
 - d. Aboriginal sites that have the potential to extend into / overlap with the project impact area.
 - e. Aboriginal sites that have the potential to be subject to indirect impacts due to altered drainage, increased erosion, and/or sediment movement.
22. Please update Section H.1.3 (Methods for identified site types) in Appendix H to reflect that a commitment has been made to avoid direct and indirect impacts to 'DEEP CK MOTHER SWA' (AHIMS 37-6-3714), 'HTP-C-CVM08' (AHIMS 45-3-5010), 'HTP-C-GG03' (AHIMS 37-6-4484), and 'HTP-C-GG05' (AHIMS 37-6-5006). Specifically, these sites should not be grouped under the general management requirements outlined for their respective site types as references to actions such as 'excavation', 'deconstruction', and 'relocation' and are not consistent with the commitment made to avoid harm to these Aboriginal sites.

23. Please update Section H.1.3 (Methods for identified site types) in Appendix H to include 'HTP-N-AS71' (AHIMS 37-2-6665) in the list of high and moderate density artefact scatters that require management.
24. Please clarify whether any management measures are proposed to mitigate harm to 'HTP-S-CS01 (Wishing well) (AHIMS 45-3-5009). We understand that the Historical Heritage Assessment prepared for the EIS is proposing excavation of the feature prior to impacts, however, it is unclear if any management provisions are proposed in relation to the ACH values attributed to the site.
25. The ACHAR states that around 88 hectares of the Warkworth sand system are predicted within the project impact area. Considering that the testing program has focused on areas of Warkworth sand system due to the potential for this geological unit to contain significant cultural materials, please clarify whether any management measures are proposed for untested areas of the predicted Warkworth sand system where ground disturbance is required to mitigate impacts to the broader landscape values to which this sand system contributes.
26. Management recommendation 'AH06' proposes the development of a cultural values mitigation strategy to support an Aboriginal-led research program to investigate cultural areas of interest and Aboriginal sites and places at Trig Road cultural landscape and Flat Rock cultural landscape including but not be limited to: 'HTP-C-RS14' (AHIMS 45-3-5-5013), 'Corrabare State Forest Road 2' (AHIMS 45-3-3582), 'Corrabare State Forest Western Side of Langans Rd SWA' (AHIMS 45-3-3583), and 'Corrabare' (AHIMS 45-3-2140). Noting that this is proposed to occur prior to construction, please clarify whether this Aboriginal-led research program is anticipated to be implemented under an Aboriginal Heritage Impact Permit (AHIP) or under the SSI consent for HTP should the project be approved. Where this program is to be implemented under the HTP project approval, the current ACHAR must be updated to consider the potential impacts to these sites from this research program. Considering the critical time constraints associated with delivering HTP, Heritage NSW strongly recommends early development of this strategy.

Aboriginal Community Consultation

27. Section 4.4 of the ACHAR states that one Aboriginal participant had a substantive database of sites and places within the Pokolbin and Corrabare State forests, which was inaccessible via other publicly available databases and that subsequent on-Country activities were being planned to address the individuals concern that they had not been captured in the ACHAR. Please clarify whether these subsequent on-Country activities have now been completed and confirm whether the ACHAR has been updated to include consideration of the outcomes of this including any management or mitigation requirements.
28. Please provide the following additional Aboriginal community consultation documentation and ensure that all relevant email addresses are shown:
 - a. Evidence that the testing methodology emails sent on 17 Sept 2024 and 26 Sept 2024 were provided to all RAPs.
 - b. Evidence that the Stage 4 draft ACHAR notification dated 12 Feb 2025 was sent to all RAPs.
 - c. Evidence that the revised mitigation measures notification email dated 4 July 2025 was sent to all RAPs.

For future reference please ensure that all consultation documentation (e.g. project updates letters) show all relevant sent email addresses as evidence of having been provided to all RAPs.

29. Please clarify how the comments received from Wonnarua Nation Aboriginal Corporation (emails dated 7 July 2025 and 11 July 2025) and Aaron Talbott (email dated 16 July 2025) in relation to the proposed management measures have been considered and addressed.

AHIMS site card updates

30. According to the site descriptions provided in the 'Notes' column in Table 10.1 'HVOCP TR47-AS3' (AHIMS 37-2-6514), 'HVO-1267' (AHIMS 37-6-3384) and 'HTP-N-AS71' (AHIMS 37-2-6665) are associated with PAD, however, this has not been specified as a site feature in the 'site type' column. Please update AHIMS and the relevant sections of the ACHAR to include 'PAD' as a feature for these sites and ensure that appropriate management measures are proposed for these sites consistent with the presence of 'PAD'.

31. Please confirm whether the AHIMS site cards for 'TRGG grinding groove site' (AHIMS 45-3-2456) and BOP-OS8 (AHIMS 37-6-2842) have been updated to correct the location errors that were identified during the survey completed for the ACHAR.

32. Please confirm that the AHIMS site cards for 'CORROBARE STATE FOREST CABANS RD' (AHIMS 37-6-2779) and HTP-C-CMT02 (AHIMS 37-6-4556) have been updated to change their statuses to 'not a site' consistent with the results of the Aboricultural Assessment presented in the ACHAR.

33. Please clarify why 'HTP-C-CP01 (Flat Rock cultural landscape)' (AHIMS 45-3-5003) and 'HTP-N-CVM01 (Hunter crossing)' (AHIMS 37-6-4493) have been registered on AHIMS as being 'enclosed shelters' rather than 'open' context sites.

34. Appendix F.3 indicates that artefacts were identified at several sites (e.g. AHIMS 37-6-2833 and AHIMS 37-6-1979) that are listed on AHIMS as being 'destroyed' indicating that additional artefacts have become exposed at these sites since their salvage. Please confirm if the site cards for these sites have been updated to reflect the presence of additional artefacts and reinstate their status as being 'valid'.

35. We note that a large number of rockshelters identified during the ACHAR appear to have been incorrectly registered on AHIMS as having 'Art' as a site feature while some that have been mentioned in Table F.2 as containing 'PAD' have not been registered to reflect this. Please review the AHIMS registrations for rockshelter sites submitted as part of this assessment and update for accuracy where required.