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Wednesday, 15 March 2023

The Planning Secretary
NSW Department of Planning and Environment
12 Darcy Street
Parramatta NSW 2150
Locked Bag 5022
Parramatta NSW 2124

CC: Tatsiana Bandaruk

Dear Mr Cassel

Re: EnergyConnect (NSW – Eastern Section) (SSI-9172452) – Request of Planning Secretary’s approval to stage Addendum Aboriginal Cultural Heritage Assessment Reports (conditions C27 and A8)

I refer to Project EnergyConnect (NSW – Eastern Section) (SSI-9172452) (the Project), which the NSW Minister for Planning approved on 12 September 2022 under section 5.19 of the *Environmental Planning and Assessment Act 1979* (NSW). As required by condition C27 of the Infrastructure Approval, an Addendum Aboriginal Cultural Heritage Assessment Report (Addendum ACHAR) is required before any construction occurs within unsurveyed areas in the development area identified in the Environmental Impact Statement (EIS). Further, condition A8 permits the preparation and lodgement of reports on a staged basis, with the approval of the Planning Secretary. This letter requests the Planning Secretary’s approval to allow the preparation of two (2) Addendum ACHARs in accordance with condition C27, each covering different stages of the additional heritage-related activities required under the Infrastructure Approval.

This letter is an update to the original staging request lodged with the Department on 13 September 2022 (SSI-9172452-PA-4), as requested by the Department on 10 March 2023.

Due to a lack of access, Transgrid could not carry out heritage surveys in some properties along the alignment as part of the heritage assessment documented in the Supplementary ACHAR that formed part of the Response to Submissions package for the project. In addition, the contractor

engaged by Transgrid to design and construct the infrastructure proposes design refinements, such as increased tower spacing along the alignment, that would alter the construction disturbance footprint slightly compared to what was assessed in the EIS. This means that small areas adjacent to the existing heritage survey extent may be subject to ground disturbance. These unsurveyed areas require additional heritage assessment, including additional heritage survey where required, as per Transgrid's commitment in Revised Mitigation Measure AH3 and condition C27. Transgrid has commenced the additional assessment.

Clearance to commence construction in many locations along the alignment relies on completing necessary additional heritage-related activities, such as assessment/survey, test excavation and salvage, and associated reporting and consultation. Condition C27 requires the preparation of an Addendum ACHAR before construction occurs within unsurveyed areas in the development area.

Transgrid proposes to stage the preparation of the Addendum ACHARs to allow progressive commencement of construction in locations once appropriate heritage-related activities are complete. Broadly, the proposed staging approach for the Addendum ACHARs and condition C27 involves:

1. Carrying out additional heritage assessment (including survey where required) in unsurveyed areas. Pre-construction minor works and road upgrades in locations confirmed as low risk would commence after this step;
2. Documenting the additional assessment in an **Addendum ACHAR – Stage 1** prepared in consultation with the Aboriginal stakeholders and Heritage NSW and as required by condition C27. Construction in the unsurveyed areas in locations where additional heritage test excavation is not required would commence after this step, subject to implementing all identified mitigation measures (including protection and surface collection/salvage) in the Addendum ACHAR;
3. Completing any outstanding heritage test excavations with potential archaeological deposits (PADs); and
4. Documenting the heritage test excavation program and findings, and any subsequent additional assessment, in an **Addendum ACHAR – Stage 2** prepared in consultation with the Aboriginal stakeholders and Heritage NSW and as required by condition C27. Construction in the remaining areas would commence after this step, subject to implementing all identified mitigation measures (including protection and sub-surface salvage as required) in the Addendum ACHAR.

This proposed staging approach is mapped out in detail in the attached flow chart. Further details are provided below.

Description of proposed stages

Condition A8 allows the staging of *reports*. To be clear, the current request relates to the proposed staging approach for the Addendum ACHARs (reports) and associated additional heritage-related assessment activities required by condition C27, not staging infrastructure construction on activity or location bases.

Transgrid proposes to stage the assessment, consultation and reporting processes outlined in C27 to allow pre-construction minor works and construction to commence progressively within “*unsurveyed*” project areas as additional assessment requirements and commitments are met, and any identified matters are resolved. The proposed staging approach is set out in the attached flowchart, with further details provided below.

Transgrid notes that the proposed approach is almost identical to the staging approach that the Planning Secretary approved for the Aboriginal Cultural Heritage Strategy required by condition D29 of the Infrastructure Approval for Project EnergyConnect (NSW – Western Section) (SSI-10400).

Stage 1 would cover additional assessment “*within the unsurveyed areas of the development area identified in the EIS*”. The Revised ACHAR prepared to support the application for Infrastructure Approval considered a specific assessment area (the surveyed area) based on a concept design and construction methodology. The detailed design process and construction planning is underway. As a result, some of the assumptions related to ground disturbance on which the assessment in the Revised ACHAR was based are no longer relevant. Stage 1 would ensure that areas outside the surveyed area (for the Revised ACHAR) that might be disturbed during pre-construction minor works and construction are subject to appropriate heritage assessment, as required by condition C27.

One of the main purposes for Stage 1 is to ensure that works such as site access point installation, access track upgrades/installation and other enabling works required to facilitate the commencement of substantial construction (pre-construction minor works) can occur as soon as possible. This is one of the main reasons for the proposed staging approach for the Addendum ACHARs.

Typically, the areas that would be subject to additional assessment during Stage 1 include:

- areas where the heritage surveys were unable to be completed during preparation of the Revised ACHAR
- areas where tower spacing and locations along the alignment have changed (compared to the locations considered and assessed in the EIS) during detail design, and the specific

access tracks assessed in the Revised ACHAR are no longer appropriate (refer to **Figure 1** below)

- areas adjacent to assessed access tracks to allow for spatial inaccuracies in the georeferenced aerial imagery used for impact assessment purposes and alterations based on actual site conditions (refer to **Figure 2** below)
- areas where alternative access arrangements might be required based on ground conditions and topography not understood/considered during the EIS phase (refer to **Figure 3** below)
- areas where alternative access is required to avoid access through and impacts within locations with sensitive heritage and biodiversity values (for example, avoiding access through Plains-wanderer Important Habitat) (refer to **Figure 4** below)
- parts of road corridors in the vicinity of approved access points and internal property access roads to account for all potential ground disturbance during access point installation, including signage within the road reserve on approach to the access points, track installation, upgrades and maintenance (refer to **Figure 5** below)
- areas around water supply points to account for any ground disturbance required during access upgrades or that might occur due to project-related vehicle movements.

The Project proposes additional assessment areas at various locations across the entire alignment.



Figure 1 Additional assessment areas for altered tower locations and associated access requirements

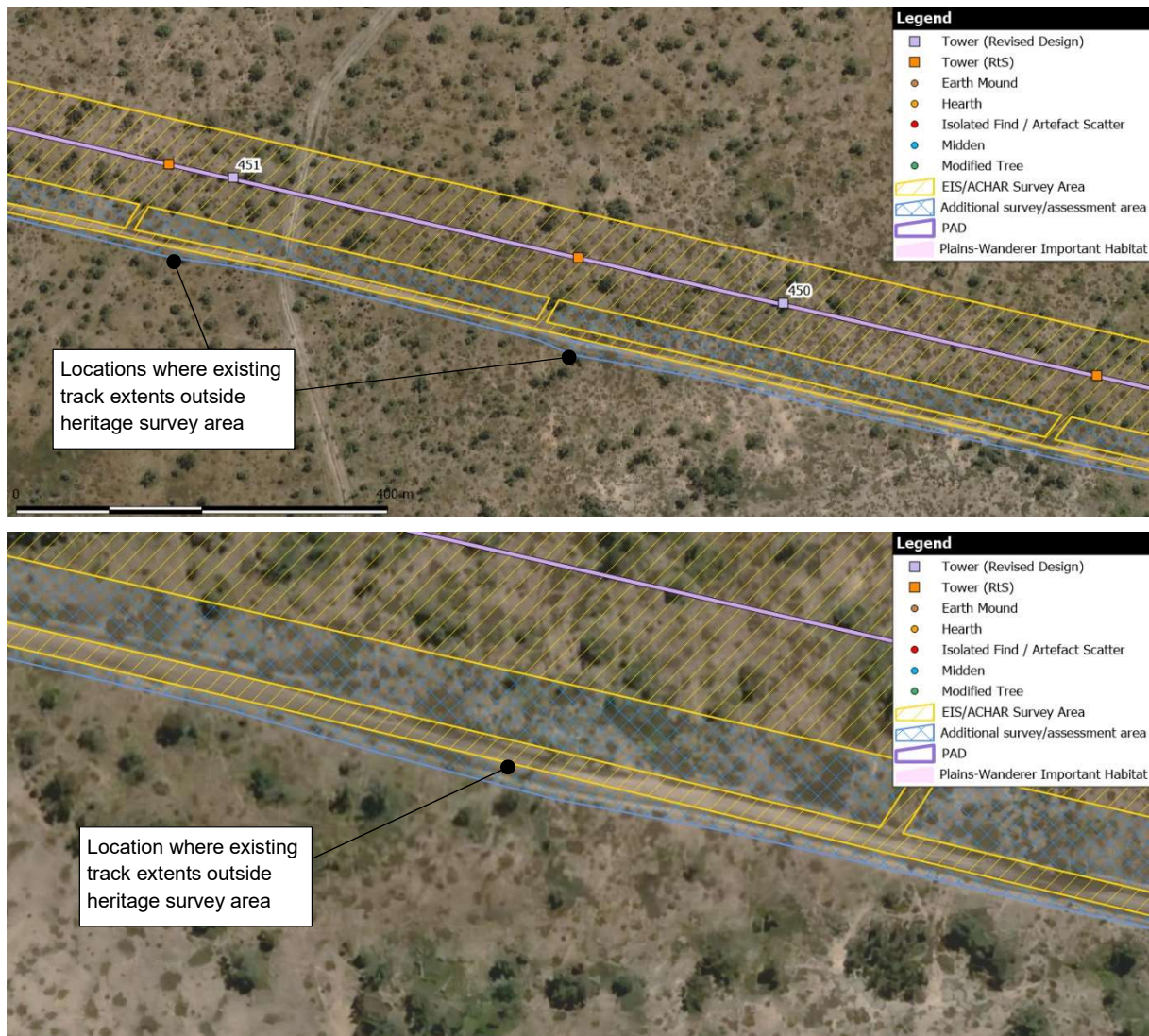


Figure 2 Additional assessment areas to allow for spatial inaccuracies in the georeferenced aerial imagery

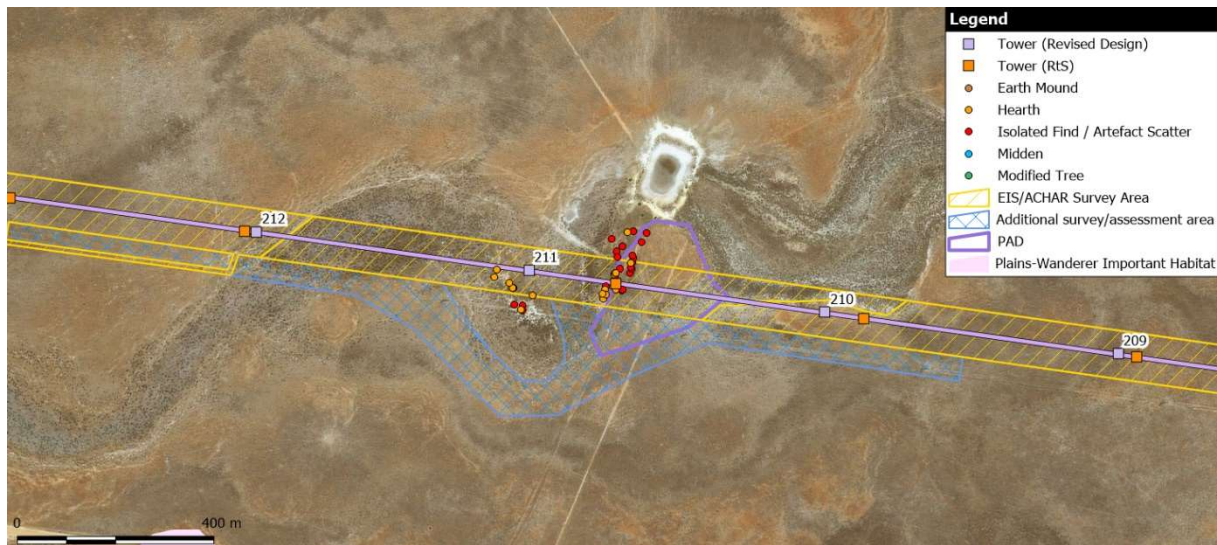


Figure 3 Assessment areas for alternative access due to site constraints and to minimise impacts

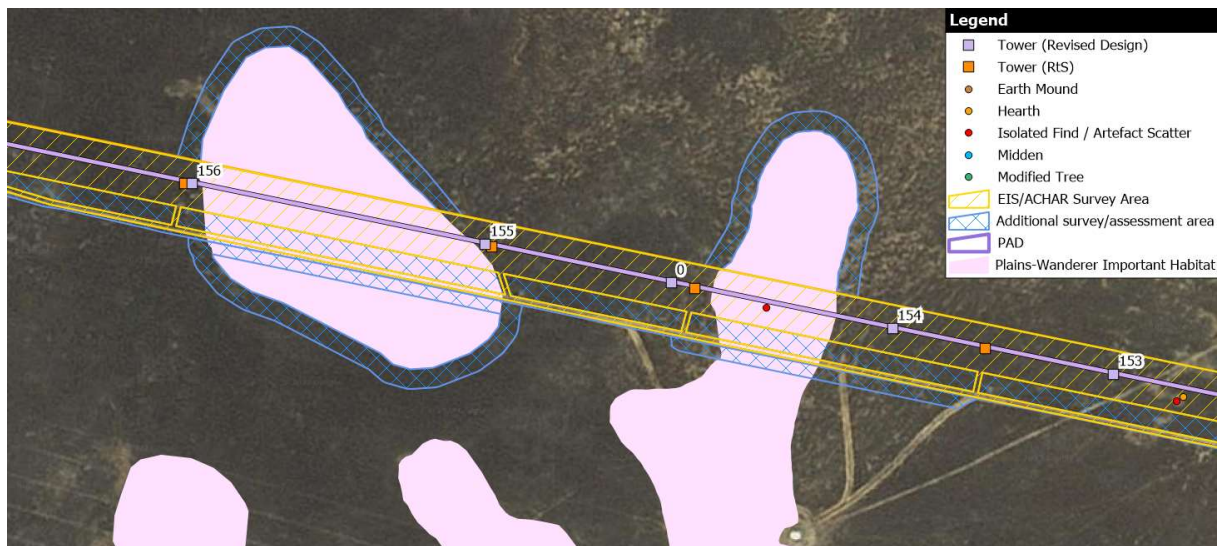


Figure 4 Additional assessment areas to avoid impacts to Plains-wanderer Important Habitat



Figure 5 Additional assessment areas to facilitate access point installation and access track upgrades and maintenance

In relation to access, the purpose of the additional assessment areas is not to expand the project's overall footprint of disturbance but to allow for flexibility in delivery, so that sensible alternative access routes and work extents etc can be adopted to avoid and minimise impacts where appropriate, consistent with project requirements and commitments.

Stage 1 would involve desktop assessment and site-based heritage surveys with participation from the Relevant Aboriginal Parties (RAPs).

The additional assessment would be documented in the Addendum ACHAR – Stage 1, prepared in consultation with the RAPs and Heritage NSW, as required by condition C27. Once the Planning Secretary is satisfied with Addendum ACHAR – Stage 1, construction could commence in the additional areas where additional test excavations are not required and as per any further mitigation measures identified as per condition C27 d).

Stage 2 would cover any additional test excavations required due to project changes within the surveyed/assessed areas and any other assessment matters that arise following Stage 1. Stage 2 would include any additional test excavations required due to proposed changes in disturbance within PADs (for example, due to tower location changes and confirmation of access requirements) and recommended in Addendum ACHAR – Stage 1. Transgrid anticipates that Stage 2 would target very specific locations within the Project site.

All additional assessment would be aligned with the principles and processes in *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010).

Relationship between stages and Addendum ACHARs

The relationship between proposed stages is described above.

The two Addendum ACHARs would be separate documents, as they would cover different assessment phase activities and might be prepared by different archaeological consultants.

Transgrid proposes that Navin Officer Heritage Consultants, the consultant that prepared the current Revised ACHAR, would carry out the additional assessment associated with Stage 1 and prepare Addendum ACHAR – Stage 1, as they hold existing knowledge of the project site and assessment efforts/outcomes carried out to date. A decision is yet to be made about which consultant would carry out Stage 2.

Regardless, Transgrid expects that Addendum ACHAR – Stage 2 would cross-reference and draw from the additional assessment information and recommendations in Addendum ACHAR – Stage 1. Each Addendum ACHAR would build upon and provide additional information and recommendations to the previous ACHAR rather than supersede the previous report entirely.

The Project would update the Stage 2 Heritage EMP Sub-plan as required to capture any *further mitigation measures* identified by the Addendum ACHARs as per condition C27 d).

Consultation

Transgrid proposes that the consultation for each stage and associated Addendum ACHAR would be aligned with the principles in *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010).

The RAPs would be involved in site-based activities, including additional heritage survey, test excavation, collection and salvage, in accordance with project commitments (the Revised mitigation measures from the Amendment Report).

The Project would provide the draft Addendum ACHARs to the RAPs and Heritage NSW for comment and document the consultation process and outcomes, as required by condition C27 and project commitments.

Addendum ACHAR updates

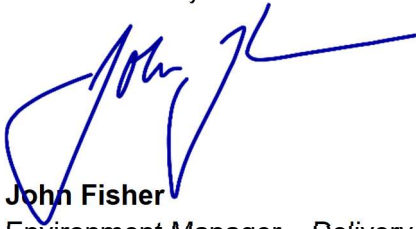
As each Addendum ACHAR would cover different assessment activities, Transgrid does not anticipate updating each Addendum ACHAR following the Planning Secretary's approval. The Project would, however, update the Stage 2 Heritage EMP Sub-plan as required to capture any *further mitigation measures* identified by the Addendum ACHARs, as per condition C27 d).

If an additional stage is required (i.e. other than the currently proposed stages/reports), Transgrid anticipates preparing a separate Addendum ACHAR. Transgrid would discuss any such proposals with the Department before proceeding.

Thank you for considering this request. The Department's earliest consideration of this request would be greatly appreciated. As Transgrid has already commenced the additional heritage assessments outlined above and the original staging request was lodged with the Department on 14 September 2022, Transgrid requests a response by **29 March 2023**.

If you wish to discuss this request, please do not hesitate to contact the undersigned.

Yours Sincerely



John Fisher
Environment Manager – Delivery, Project EnergyConnect
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Attachment:

- Flowchart describing the proposed staging approach for Addendum ACHARs prepared in accordance with condition C27

Staging Approach – Addendum Aboriginal Cultural Heritage Assessment Reports (Condition C27 – Unsurveyed areas)

Additional heritage assessment

Proponent carries out:

- **additional heritage assessment in Unsurveyed areas** where ground disturbing activities are required (Condition C27 and RMM AH3); in consultation with RAPs.

**Survey can commence using the existing survey methodology developed for the assessment phase of the project developed in consultation with the RAPs*

Heritage 'clearance letters' issued for select areas of land where no sites are found, or where found will not be impacted (RMM AH3).

*Pre-construction minor works and road upgrades can commence in additional assessment areas **confirmed as low risk** (subject to complying with other relevant Conditions).*

Stage 1

Proponent prepares **Addendum Aboriginal Cultural Heritage Assessment Report (ACHAR) – Stage 1**, as required by Condition C27, that:

- includes details of consultation with RAPs;
- describes additional assessment and surveys carried out in *Unsurveyed areas* (RMM AH3 and condition C27);
- describes any additional potential impacts to heritage items;
- identifies 'further mitigation measures, including avoidance or salvage' for the assessed *Unsurveyed areas* including:
 - additional test excavation requirements (RMM AH4);
 - scarred trees that need to be protected or removed; and
 - surface-based features that need protection or collection/salvage (RMM AH6).
- justifies unavoidable impacts; and
- provides an updated consolidated list of sites that would be protected or salvaged.

Consultation with RAPs and Heritage NSW regarding Addendum ACHAR - Stage 1 (RMMs AH2 & AH3 and Condition C27).

Proponent:

- **updates Addendum ACHAR - Stage 1** so that it:
 - includes details of ongoing consultation with RAPs (RMMs AH2 & AH3 and Condition C27); and
 - includes any required changes to further mitigation measures (Condition C27).
- **responds to RAPs and Heritage NSW** comments.

Proponent lodges updated Addendum ACHAR - Stage 1 with DPE via Major Projects Portal.

Planning Secretary indicates satisfaction with Addendum ACHAR - Stage 1

Location within PAD and requires additional test excavation?

Yes

No

Construction commences in areas not subject to test excavations, subject to:

- implementing confirmed 'further mitigation measures'; and
- complying with other relevant Conditions.

Stage 2

Proponent carries out:

- **test excavations in additional PADs** identified (or extended) during additional assessment in *Unsurveyed areas* in consultation with RAPs (RMM AH4).

Proponent carries out:

- **test excavations in PADs identified during EIS** in consultation with RAPs (RMM AH4).

**Test excavation works are already occurring in previously assessed areas.*

Proponent prepares **Addendum ACHAR – Stage 2**, as required by Condition C27, that:

- includes details of consultation with RAPs;
- describes test excavations (RMM AH4);
- describes any additional potential impacts to heritage items;
- identifies 'further mitigation measures, including avoidance or salvage' including:
 - salvage requirements for ground disturbance within PADs (RMM AH6 and Condition C28).
- justifies unavoidable impacts; and
- provides an updated consolidated list of sites that would be protected or salvaged.

Consultation with RAPs and Heritage NSW regarding Addendum ACHAR - Stage 2 (RMM AH2 and Condition C27).

Proponent:

- **updates Addendum ACHAR - Stage 1** so that it:
 - includes details of ongoing consultation with RAPs (RMMs AH2 & AH3 and Condition C27); and
 - includes any required changes to further mitigation measures (Condition C27).
- **responds to RAPs and Heritage NSW** comments.

Environmental Representative:

- **confirms appropriate consultation** in accordance with Condition C27; and
- **endorses Addendum ACHAR - Stage 2.**

Proponent lodges updated Addendum ACHAR - Stage 2 with DPE via Major Projects Portal.

Planning Secretary indicates satisfaction with Addendum ACHAR - Stage 1

Construction commences in all remaining areas, subject to:

- implementing confirmed 'further mitigation measures' (includes protection or salvage); and
- complying with other relevant Conditions.