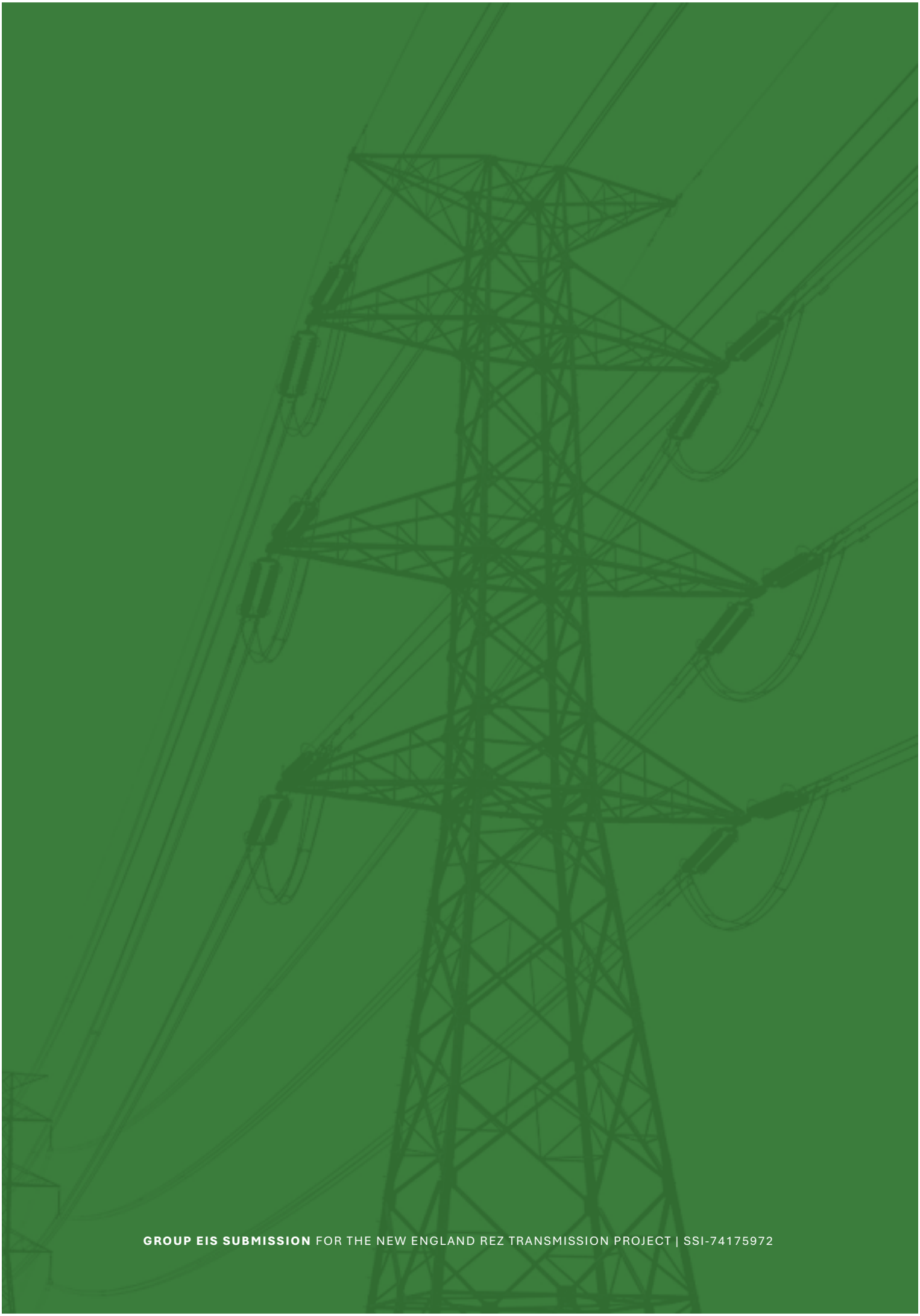
SECTION **15**

Cultural Heritage

THIS IS **ONE** SECTION OF **TWENTY TWO,**
THAT FORMS PART OF A LARGER GROUP SUBMISSION
TO THE NEW ENGLAND REZ TRANSMISSION PROJECT
SSI-74175972



WALCHA HIGH COUNTRY GUARDIANS | Rouchel Brook ACTION GROUP | PROTECT THE VALLEY UPPER HUNTER | Voice for Walcha



GROUP EIS SUBMISSION FOR THE NEW ENGLAND REZ TRANSMISSION PROJECT | SSI-74175972

SECTION 15

Cultural Heritage

Key issues we have found ...



More than half remains unsurveyed

More than half the project area remains unsurveyed, and most potential archaeological deposits lack testing needed to understand proposed impacts.



Low sensitivity areas contain heritage

Almost half of newly recorded sites were found in areas classed as low sensitivity, undermining proposals to exclude some surveys.



Physical safeguards are too limited

Physical barriers apply only near the disturbance footprint, leaving more distant sites dependent on maps and internal procedures for protection.



Cultural assessment cannot be deferred

Further surveys, Songline assessments and protection rules are deferred, leaving the public without essential information when preparing submissions on impacts.



Dunghutti consultation must be meaningful

The public record does not demonstrate meaningful Dunghutti participation; consultation must occur locally, with sufficient information, time and agreed arrangements.



Keep recovered objects on Country

Recovered objects are assigned to temporary storage outside the region, while permanent custody remains undecided and local care requires guarantees.

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Read in more detail >



> Image shows one of many mature trees within the proposed construction corridor, Racecourse Paddock

SECTION **14**

Cultural Heritage

SCOPE OF THIS CHAPTER

The Aboriginal Cultural Heritage Assessment (ACHA) for the project is not complete enough to support a decision. On EnergyCo's own figures, 54% of the project area has not been surveyed, and 76% of known PADs have not been test excavated. Further work is deferred to documents the public will not get to comment on.

This chapter looks only at procedural and technical adequacy: whether the assessment meets its own stated requirements, and whether its proposed protections are enough. It makes no comment on the cultural significance of any site, place or value. That is for Traditional Owners, knowledge holders and Registered Aboriginal Parties (RAPs) to speak to.

Unless noted otherwise, all figures are taken from EnergyCo's Technical Report 2, Aboriginal Cultural Heritage Assessment (Umwelt and OzArk, Final, September 2026, Report 22962/R03), and Appendix F of the EIS (Summary of Management and Mitigation Measures).

1 | What the assessment was required to do

The SEARs require an assessment of impacts to Aboriginal heritage, "cultural and archaeological", "including test excavations". It must follow the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011) and the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW 2010) (ACHA Table 1.1, p.12).

Agency advice on the SEARs set a high bar (ACHA Table 1.2, pp.13 to 15):

- Heritage NSW asked for targeted test excavation, done in consultation with RAPs and with its written endorsement.
- The National Indigenous Australians Agency (NIAA) asked for identification of "all Aboriginal cultural heritage values within and adjacent to the revised corridor and hub locations", with disturbance "only where avoidance is demonstrably not feasible".

It is hard to see how avoidance can be demonstrated for sites that have not yet been found. The sections below test the ACHA against these requirements.

1.1 The survey and test excavation are incomplete

The ACHA states that "approximately 46% of the project area" was surveyed, because of land access restrictions (Executive Summary p.iv; Section 11.1, p.279). In the remaining 54%, impacts are assessed by "desktop assessment and predictive modelling" only.

Test excavation, which the SEARs specifically require, is thinner still:

- Project area surveyed: about 46% (5,032 of 10,928 ha) (s11.1, p.279; Table 11.6)
- Upper Hunter properties tested, of those planned: 1 of 19, over three days (s8.1.2, p.217)
- New England Tablelands properties tested, of those planned: 7 of 9 (s8.1.2, p.217)
- Total area excavated across the program: 53 square metres (s8.1.2, p.218)
- PADs in the project area not yet test excavated: 62 (76%) (s11.4.1, p.292)
- Upper Hunter artefacts recovered from testing: 19, from two areas (Executive Summary p.iii)

The ACHA also notes that some test locations are now outside the project area because of later alignment changes (s8.1.2). Without testing, the significance of 62 PADs and 7 possible culturally modified trees cannot be assessed (Executive Summary p.iv).

RAPs raised this directly. The ACHA records that "some RAPs noted that approximately half of the total project area has been surveyed and asked how the limited coverage would be addressed" (Table 2.7). The answer was that survey will be completed in stages as land access becomes available.

1.2 The known impacts are large, and the model predicts as many again

Even with less than half the project area surveyed, 180 known Aboriginal sites and PADs could be directly impacted. Only 38 are protected by "no-impact" areas (ACHA Table 11.4, pp.290 to 291; EIS Table 8.6, p.322). The ACHA calls this a conservative worst case, but no other figure is put forward for assessment.

The ACHA's own predictive model expects about the same number again in the unsurveyed 54% (Table 11.7, p.296):

- High or moderate sensitivity areas: about 78 sites and about 81 PADs
- Low sensitivity areas: about 53 sites and about 6 PADs
- Total: about 131 sites and about 87 PADs

That is about 218 further sites and PADs whose location, nature and significance are unknown. The public and the consent authority are being asked to accept impacts that have not been identified.

Two technical problems weaken confidence in these predictions:

- The text contradicts the table. Section 11.4.3 (p.295) says unsurveyed areas contain "slightly less" moderate and high sensitivity land ("1,642 ha compared to 1,788 ha in surveyed areas"), so fewer sites are expected. The ACHA's own Table 11.6 shows the reverse: surveyed areas hold 1,642 ha (426 high plus 1,216 moderate) and unsurveyed areas 1,788 ha (340 plus 1,448). The predicted counts in Table 11.7 are higher, consistent with the table, not the text. The narrative understates the unsurveyed risk.
- Nearly half of new sites were found in "low" sensitivity areas. In the survey, 115 of 238 newly recorded sites (48%) were in areas the model mapped as low sensitivity (Table 9.1, p.260). Yet the future survey strategy prioritises moderate and high areas (AH13), and says areas of low sensitivity due to disturbance "will not require survey" (s12.3.2, p.318). On the ACHA's own results, this risks missing a large share of sites.

1.3 The real assessment is deferred past public exhibition

The ACHA says the outcomes of further survey and testing "will be provided as part of the Submissions Report and Amendment Report and, if required, following this process" (s11.1, p.279). These will be in an "addendum ACHA". Section 12.3.1 (p.317) goes further:

> *"given that the progression of these works require additional land access and that timing is uncertain, the general principle is that any commitments not achieved prior to project approval will be addressed post-approval under the provisions of an ACHMP."*

The public is being asked to comment on an assessment the proponent itself expects to replace. The addendum ACHA will not be publicly exhibited in the same way. Anything not finished before approval moves into a management plan prepared after approval, outside public scrutiny.

The same pattern applies to intangible values. The two Anaiwan Songlines that cross the project area, and culturally significant ecological values, are to be assessed later in the addendum ACHA or the ACHMP (AH16, AH17).

This is not limited to heritage. The EIS says further ecological survey will be done before the Submissions Report, "which will include a revised BDAR" (EIS s7.9, p.295). Two workforce camp sites, Camp 3 near Barry and Camp 1 Alternate, were identified after the ACHA and "neither of these alternatives were considered in the ACHA" (EIS s8.2.7, p.315). Camp 3 has areas of high archaeological sensitivity beside the Barnard River and was only checked by desktop review and a site inspection. Both are to be fully assessed in the Submissions Report and Amendment Report (EIS p.316).

1.4 Without an AHIP, the ACHMP carries all the weight

The NPW Act makes it an offence to harm Aboriginal objects without an Aboriginal Heritage Impact Permit (AHIP) under section 90. Because the project is State Significant Infrastructure, section 5.23 of the EP&A Act removes that requirement (EIS Appendix D; ACHA Table 1.3). The ACHA confirms no AHIP is needed "during investigations for the EIS phase or post project approval".

The site-by-site scrutiny of an AHIP is replaced by conditions of approval and an Aboriginal Cultural Heritage Management Plan (ACHMP) that does not yet exist. Its key contents are left to be worked out later, including:

- criteria for when a PAD needs salvage, and when "unmitigated impact" is acceptable (AH7, AH12)
- buffers, materials and monitoring for protected sites (AH3)
- which sites get archaeological monitoring (AH3)

When the permit regime does not apply, the assessment before approval must be complete and the conditions must be specific. Here neither is the case. Most known sites have not been assessed for significance, half the area has not been surveyed, and the management rules are still to be written.

1.5 The 20 m threshold for physical protection is too narrow

Only avoided sites within 20 m of the final disturbance footprint get physical barriers (AH3). Sites more than 20 m away get "distance-based avoidance", which means they "do not require fencing, signage or active land-management measures" and rely on mapping and "related controls" for project personnel (AH4; ACHA s12.2.3.5, p.312). Where fencing is installed, the buffer is a "nominal 5 m" from the site boundary (AH3).

On a 300 km construction project with heavy machinery, access tracks and stockpiles, 20 m is a small margin. The ACHA itself assesses vibration risk from blasting to 66 m from the project boundary (s11.4.4, p.296). The ACHA gives no technical justification for the 20 m figure.

The Central-West Orana REZ shows what happens when protection depends on internal procedures. In 2026 an Aboriginal rock shelter that had been identified in that project's planning approval was "damaged beyond recovery" during access track construction. ACEREZ, the network operator, said the processes required to protect it "were not fully implemented", and its internal investigation found failures in site design and onsite construction protocols. The Department of Planning, Housing and Infrastructure began an investigation (ESD News, 27 May 2026; ESD News, 24 June 2026).

That was a single known site on a comparable EnergyCo REZ transmission project. The New England project has 38 avoided sites now, with more expected, plus around 218 predicted sites and PADs not yet found.

1.6 Test excavation depends on the approval timetable

Mitigation measure AH14 (EIS p.338; Appendix F p.32) states:

> *"Further archaeological test excavation will aim to be undertaken to inform the Submissions Report and Amendment Report in an addendum ACHA. The scope of testing during this period will be dependent on land access availability and timing considerations for project approval."*

The scope of a required assessment step should be set by what is needed to understand the impacts, not by the project's approval schedule. AH14 also only "aims" to test, and directs testing for management purposes only to areas within, or being considered for, the disturbance footprint. Read with s12.3.1, any testing not done in time moves to the post-approval ACHMP. The Upper Hunter, where only 1 of 19 planned properties was tested, is the region most exposed to this.

1.7 Consultation with Dunghutti people and Amaroo Local Aboriginal Land Council has not been adequate

The Walcha section of the project, from the energy hub near Walcha south through Niangala towards Nowendoc, crosses Dunghutti Country within the area of Amaroo Local Aboriginal Land Council (LALC). This section does not speak to the cultural significance of any place. That is for the Dunghutti community to speak to.

What EnergyCo's documents record

The public EIS documents show that Amaroo LALC was registered and invited. They do not show that it took part.

- Amaroo LALC registered as a Registered Aboriginal Party on 11 January 2024, with its contact listed only as "CEO/Chairperson" (ACHA Table 2.1, entry 47).

- Amaroo LALC is listed among the organisations "invited" to 7 of the 22 survey weeks between August 2024 and March 2026. The table notes that "not all organisations had participants present on every working day" (ACHA Appendix D, Table 1.1). The ACHA does not record which days, if any, Amaroo representatives attended.
- Amaroo LALC is not listed among the attendees at either round of Aboriginal Focus Group meetings, held in May 2024 and June 2026 (ACHA Tables 2.2 and 2.6). Both rounds were held only in Armidale, Tamworth and Muswellbrook. None was held in Walcha.
- No comments from Amaroo LALC are recorded on the assessment methodology or on the draft ACHA (ACHA Tables 2.3, 2.5 and 2.7).
- Amaroo LALC is not listed among the participants in test excavation (ACHA Appendix D, Table 2.1).
- No interviewee in the cultural mapping work is identified as representing Amaroo LALC or the Dunghutti community (ACHA Table 7.1).
- The consultation records that would show what contact actually occurred (ACHA Appendix B) have been withheld from the public version of the report.

The main EIS nonetheless states that "all LALCs intersected by the project area have been consulted for the project" (EIS s12.2, p.483). On the public record, that statement cannot be tested for Amaroo LALC.

The EIS also records land claimed by or on behalf of Amaroo LALC within the project area (EIS s12.2, p.483). Any contact with the LALC about compensation for that land is a property matter. It is not consultation on cultural heritage, and should not be counted as such.

The section from the Central South Hub near Walcha to Muswellbrook was redrawn on 2 October 2025, and registration was reopened from November to December 2025 (ACHA s2.2 and s2.3.1). Much of the Dunghutti Country south of Walcha was therefore only added to the assessment in this later round of consultation.

Concerns raised in the local Aboriginal community

- There are places of cultural significance in the Walcha section of the line, between the hub near Walcha and Niangala and Nowendoc. The community wants support to work through the EIS and confirm that these places will not be disturbed.
- The release of the EIS and the submission period were not clearly communicated to the Walcha Aboriginal community.
- We understand EnergyCo has offered information sessions for Aboriginal communities in Armidale and Tamworth on 10 and 11 November 2026, immediately before submissions close. Sessions at that point, held outside Walcha, leave no time for the community to understand the EIS and respond.
- Aboriginal objects recovered during earlier renewable energy assessments in the region were taken to Dubbo, and the community is still working to have them returned locally. There is concern the same will happen here.

What the documents show on these concerns

- The name Dunghutti does not appear anywhere in the ACHA or the EIS. The reports use "Dainggatti (Thunggutti)", drawn from published language maps (ACHA Executive Summary and s2.3.1). The community has asked that the correct name, Dunghutti, be used.
- Under this project, recovered artefacts are stored temporarily outside the region. New England artefacts go to Umwelt's office at Teralba, near Newcastle. Upper Hunter and Tamworth/Liverpool Ranges artefacts go to OzArk's office in Dubbo (ACHA Appendix L, s2.4.2; mitigation measure AH10). Long-term care is not decided, and is left to the ACHMP after approval (AH11). The community's concern is therefore well founded for this project as well.

Taken together, the public record does not show that the Dunghutti community or Amaroo LALC has been meaningfully consulted on the impact of the project on Dunghutti Country. This falls short of the SEARs requirement for "evidence of adequate consultation with Aboriginal parties in determining and assessing impacts" (ACHA Table 1.1). It also falls short of the NIAA's advice that First Nations stakeholders be given "sufficient time and information" (ACHA Table 1.2).

2 | What we ask the Department to do

1. Not determine the project until survey and test excavation are complete for the whole disturbance footprint, including Camp 3 and Camp 1 Alternate.
2. Require the addendum ACHA to be publicly exhibited, with a formal submission period, before any determination.
3. Require EnergyCo to correct the contradiction between the s11.4.3 text and Tables 11.6 and 11.7, and restate the predicted impacts in the unsurveyed area.
4. Require survey of low sensitivity areas within the disturbance footprint, given that 48% of newly recorded sites were found in such areas.
5. Remove "timing considerations for project approval" from AH14, so the scope of testing is set by assessment need alone.
6. Require EnergyCo to justify the 20 m threshold in AH3 and AH4, and increase it so that all avoided sites near works are physically protected and monitored.
7. Make the ACHMP subject to Heritage NSW approval before any ground disturbance, with clear, enforceable conditions of approval for salvage criteria, buffers and independent monitoring.
8. Require EnergyCo to explain what has changed since the Central-West Orana rock shelter loss to stop the same failure here.
9. Grant Amaroo LALC, and any Dunghutti knowledge holders or groups who request it, an extension of time to make a submission on the EIS.
10. Require EnergyCo to undertake genuine, direct consultation with the Amaroo LALC board and Dunghutti knowledge holders, held in Walcha and at times they agree to, before the Submissions Report is lodged. This should cover places of cultural significance in the Walcha section, the survey and test excavation program, and management measures. Its outcomes should be reported in the addendum ACHA.
11. Require the ACHA and the ACHMP to use the name Dunghutti, as requested by the community.
12. Require, as a condition of approval, that Aboriginal objects recovered from Dunghutti Country are held locally, in a place agreed with the Dunghutti community, and are not moved out of the region, including during temporary storage.

References

EnergyCo (2026), New England REZ Network Infrastructure Project Environmental Impact Statement, SSI-74175972: Sections 7.9 and 8; Appendix D (Statutory compliance table); Appendix F (Summary of management and mitigation measures).

Umwelt and OzArk (2026), Technical Report 2: Aboriginal Cultural Heritage Assessment, Final, September 2026, Report 22962/R03.

ESD News (27 May 2026), REZ consortium destroys Aboriginal heritage rock shelter. https://esdnews.com.au/rez-consortium-destroys-aboriginal-heritage-rock-shelter/

ESD News (24 June 2026), ACEREZ says internal 'failures' led to rock shelter destruction. https://esdnews.com.au/acerez-says-internal-failures-led-to-rock-shelter-destruction/

WALCHA HIGH COUNTRY GUARDIANS

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