



Julia Green
Senior Environmental Assessment Officer
Department of Planning & Environment
Email: julia.a.green@dpie.nsw.gov.au

Your reference: SSD-13137914
Our reference: DOC22/826148

Dear Julia,

Advice on Environmental Impact Assessment – State Significant Development – Marulan Solar Farm – SSD-13137914

Thank you for your referral uploaded to the Major Projects Portal on 15 September 2022 seeking advice on the above State Significance Development (SSD) proposal. In preparing this advice I have reviewed the following documents:

- Terrain Solar – Marulan Solar Farm: Environmental Impact Assessment – prepared by Premise Australia Pty Ltd, dated July 2022
- Appendix E: Aboriginal Cultural Heritage Assessment Report – prepared by Premise Australia Pty Ltd, dated July 2022

Based on the Aboriginal Cultural Heritage Assessment Report (ACHAR), provided in support of the Environmental Impact Statement (EIS), there is insufficient information provided for Heritage NSW to advise the Department on whether the management recommendations are adequate and if the ACHAR substantially complies with the SEARs. To establish the nature and extent of the Aboriginal cultural heritage values proposed for impact by this development further investigations are required.

We have included detailed advice in relation to recommended revisions of the ACHAR and further investigation in **Attachment A**. Heritage NSW is available to provide further advice on any additional assessment work conducted. Please note that the above comments relate only to Aboriginal cultural heritage regulation matters. Heritage NSW may provide separate comments in relation to environmental heritage considerations.

If you have any questions regarding these comments, please contact Corey O'Driscoll, Senior Assessments Officer, at Heritage NSW on 6229 7079 and corey.odriscoll@environment.nsw.gov.au.

Yours sincerely

Kym McNamara
Manager Assessments
Heritage NSW
Department of Planning and Environment
(As Delegate under National Parks and Wildlife Act 1974)
Date: 12 October 2022

Attachment A – Detailed Aboriginal Cultural Heritage Advice

Heritage NSW recommends that the ACHAR is revised, and further investigations undertaken to address the following points:

Consultation

- Please ensure that all requests for redaction made by the Registered Aboriginal Parties is properly managed. Details of one RAP who wished to not have their details made public has been included in Appendix B.

Survey and Test Excavations

An Archaeological Report (AR) has not been provided in support of the Aboriginal Cultural Heritage Assessment Report (ACHAR), as per Requirement 11 of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010; Code of Practice). An AR is required in support of the ACHAR that details the results of the surveys and test excavations, as required by the Code of Practice, and must be provided to the RAPs for comment. In addition to the AR, Heritage NSW requires further information and recommends further investigation.

- The ACHAR contains discrepancies between the Predictive model (Section 5.6) and the objectives of the survey and test excavations. The survey and test excavations have focused on incised watercourse which the ACHAR notes were unlikely to exist prior to land clearing and that the area is a broad alluvium channel. The Predictive model states that ACH is more likely to be found on the margins of these areas on raised slopes and closer to the boundaries of the project area. As much as 55% of the project area was not subject to survey, which Heritage NSW believes does not adequately assess the nature of ACH across the entire project area. Heritage NSW recommends additional survey in areas not subject to survey and more thorough survey along the margins of the project area closer to steeper, wooded areas in the south and west, as per the expectations of the Predictive Model, prior to project approval.
- Please clarify whether the surveys and ACHAR have considered all ancillary elements of the project, including road grading, road widening, external fencing, landscaping, internal road construction, and any cut and fill required across the project area.
- Please clarify whether the areas for grid connection infrastructure have been surveyed and clarify the impacts proposed in these areas. If the area was not subject to survey, Heritage NSW recommends that a thorough survey occur prior to project approval.
- Please clarify whether the mapped extent of site LA17 (AHIMS #51-6-0372) was considered during survey and test excavations. The mapped extent, as per AHS (2005), is not clearly outlined in the ACHAR. Please map the survey tracks and test excavations onto the original mapping of LA17. If the site extends beyond the area subject to survey and testing, and is outside the exclusion zone, further investigation is recommended prior to project approval.
- Please clarify whether the knapped glass artefact identified at Location 5 constitutes contact archaeology and if this is related to the Ruins of Kyle and/or Lockyersleigh. Further clarification is required on the significance of this find, what this may mean for continued occupation of this area post-European settlement, and whether this constitutes a State Significant find.

- Additionally, please provide further information on whether such finds were expected within the vicinity of Ruins of Kyle. If such an occurrence was expected, test excavations should not have proceeded under the Code of Practice as it explicitly excludes excavations if contact archaeology is expected.
- Further information is required on the context of the knapped glass artefact and how this artefact may relate to the other material recovered at Location 5, the locally listed heritage items (Ruins of Kyle and Lockyersleigh), and other evidence of contact archaeology identified in Old Marulan. Knapped glass is an uncommon occurrence in the area and may substantially increase the significance of the locality. Please provide an updated Background and Significance Assessment that includes the above information.

Management and Mitigation Options

- Please clarify the proposed impact area of the solar farm, as it is unclear in the ACHAR whether Location 5 will be in an exclusion zone or subject to impact. Heritage NSW recommends that this locality be included in an exclusion zone based on its association with a quarry and scarred tree site and presence of knapped glass.
- Please clarify the long-term management and conservation options for all ACH sites present across the host lot. This must include sites not subject to direct impacts and consideration of secondary impacts (e.g., road grading, road widening, compaction, erosion) to all sites.
- The applicant should consider RAP monitoring during tree removal and landscaping operations.

Further Information

- Please provide further information on the potential massacre site identified by AMBS (2012) at Narambulla Creek. The RAPs acknowledge there is no local knowledge of such an occurrence, however a thorough assessment of historical records should have been conducted to confirm or refute the massacre. The University of Newcastle Australian Aboriginal Massacre website is not an exhaustive list of all massacres, with the potential for more sites to be added as evidence arises.