



Nestor Tsambos
Senior Environmental Assessment Officer
Department of Planning & Environment
nestor.tsambos@dpie.nsw.gov.au

Your reference: SSD-8911
Our reference: DOC23/593564

Dear Nestor,

Environmental Impact Assessment - State Significant Development – Sundown Solar Farm – SSD-8911

Thank you for your referral uploaded to the Major Projects Portal on 4 July 2023 seeking advice on the above State Significant Development (SSD) proposal. In preparing this advice, Heritage NSW has reviewed the following documents:

- Sundown Solar Farm: Environmental Impact Assessment – prepared by EMM Pty Ltd, dated June 2023
- Appendix D – Aboriginal Cultural Heritage Assessment Report – prepared by EMM Pty Ltd, dated November 2022

The Aboriginal Cultural Heritage Assessment Report (ACHAR) does not address the requirements set out in the Secretary's Environmental Assessment Requirements (SEARs), issued August 2020. Based on the information provided in the ACHAR, there is insufficient information provided for Heritage NSW to advise the Department on whether the management recommendations and archaeological assessment are adequate. Clarification is required within the ACHAR to determine if additional works are required to ensure Aboriginal cultural heritage has been thoroughly assessed and conserved.

We have included detailed advice in relation to recommended revisions of the ACHAR and further investigation in **Attachment A**. 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

Nicole Davis
Manager Assessments
Heritage NSW
Department of Planning and Environment
(As Delegate under National Parks and Wildlife Act 1974)
Date: 2 August 2023

Attachment A – Detailed Aboriginal Cultural Heritage Advice

Community Consultation

- We recommend that additional documentation of the consultation process is requested. The applicant needs to provide evidence that consultation was kept continuous as the last consultation recorded in the ACHAR is dated September 2022. Heritage NSW requires that consultation with Registered Aboriginal Parties (RAPs) is continuous. Under our policy and guidelines, breaks in consultation of over six months may not constitute continuous consultation.
- Appendix B of the ACHAR contains meeting minutes from another project (Mole River), please update to include the relevant meeting minutes.

Aboriginal Cultural Heritage Assessment Report (ACHAR)

- Heritage NSW notes that the Aboriginal Heritage Information Management System (AHIMS) search is greater than 12 months old at the time of submission. Heritage NSW generally requires, as per Requirement 1b of the *Code of Practice*, that AHIMS searches are less than 12 months old. Please provide an updated AHIMS search.
- Please update the ACHAR to include all relevant AHIMS site numbers.
- Please provide additional mapping to clarify the survey transects and their relationship with the project boundary, project infrastructure, PV arrays, and landforms.
- Please update mapping to include site boundaries of artefact scatters.

Archaeological Assessment

- Please provide further explication on the likelihood of potential archeological deposits to be present in other sections of the project area, namely in the landform associated with SSF-OS10 and above the ochre sources along Jessie Creek.

Scarred Trees

- As per Requirement 23 of *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010) the recording of the site must be consistent with *Aboriginal scarred trees in New South Wales, a field manual* (DEC and Andrew Long 2005). As such, please ensure that a sketch of the tree and scar that includes the location and shape of scar, location of features (e.g., tool marks), and overall condition of the tree and scar are included in the site recording form.

Aboriginal Cultural Heritage Management Plan (ACHMP)

- The ACHAR recommends that an ACHMP be developed and implemented for the project. Heritage NSW recommends the ACHMP should be included in the Conditions of Approval and that an ACHMP be created and approved by Department of Planning and Environment prior to any development activities occurring within the project area.
- The ACHAR and ACHMP must take into consideration secondary impacts (e.g., road grading, road widening, public road upgrades, compaction, erosion) and long-term conservation options to areas of PAD and artefact sites within and adjacent to the project area. Avoidance of ACH does not denote its long-term conservation and protection. Provisions should include regular (e.g., annual, bi-annual) monitoring of the sites and if secondary impacts are present (e.g., erosion) then PADs should be subject to test excavations so that areas of conservation value and moderate to high significance are adequately avoided and protected.