

Our ref: HMS ID 7857

David Way
Senior Planning Officer
Department of Planning, Housing and Infrastructure
david.way@planning.nsw.gov.au

Letter uploaded to the Major Projects Planning Portal

Advice on Environmental Impact Statement – State Significant Development

Proposal: Mallee Wind Farm (SSD-53293710)

Major Project reference: (SSD-53293710)

Received: 11 November 2024

Dear Mr Way,

Thank you for your referral seeking advice on the above Mallee Wind Farm proposal for the development of a wind farm at Mallee NSW.

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

- Relevant sections of the Mallee Wind Farm: Environmental Impact Statement - prepared by Umwelt for Spark Renewables, dated 5 November 2024
- Mallee Wind Farm, Arumpo Road, Mallee New South Wales: Aboriginal Cultural Heritage Assessment (ACHA) - prepared by Austral Archaeology, dated 25 September 2024

Following the review of the above documents, Heritage NSW requests additional information to inform its advice to the Department on whether the Aboriginal Cultural Heritage Assessment Report adequately addresses the Secretary's Environmental Assessment Requirements for the project, including the associated recommendations for the management of Aboriginal cultural heritage. Additional information is required in relation to the following matters.

1. As standard practice, Heritage NSW requires the identification of Potential Archaeological Deposits (PADs) and subsurface testing of those deposits to establish their archaeological significance. Please provide clarification and detail of the assessment for PADs within the project area, for the survey units, the newly identified sites and the landforms surrounding the newly identified sites. Justification as to why test excavations should not occur prior to construction in the project area should also be provided. If adequate justification is not provided,

Heritage NSW recommends that test excavations occur prior to any construction impacts in the project area. Particular points of clarification include but are not limited to:

- a. Section 7.2 of the ACHA identifies site 46-3-0227 (Artefact, Burial & Hearth) which included multiple hearths, bone fragments and approximately 250 stone artefacts. Between 46-3-0227 and the identified PAD (site 46-3-0236) are several additional Artefact and Hearth sites despite the level of agricultural disturbance across the area. The survey results addressed in Section 8.2 further states that 'the level of disturbance does not determine the level of archaeological sensitivity' that 'archaeological sites occur on most landforms'. Please provide further detail on the assessment of potential archaeological deposit in this area.
 - b. Section 8.2 states that 'subsurface sites within the upper 30 centimetres of topsoil are likely to exist in low numbers'. Section 3.1.2 describes the landscape of the project area as Mallee Cliffs Dunes, Mallee Cliffs Linear Dunes and the Mallee Cliffs Sandplains, all of which include sand dune formations up to 7m in relief. Please provide further clarification on the assessment that potential subsurface deposits are limited to 30 cm in depth.
 - c. Section 8.2 states 'the disturbance footprint is in areas that lack permanent or semi-permanent fresh water' however it is noted that current water availability in the project area is impacted by the construction of water management infrastructure on the creeks and rivers. Prior to the modifications to the Murray Darling Basin to promote agriculture, the area would have been subject to a substantially different flood regime. Figure 3.2 identifies multiple former lakes associated with the project area. Please provide consideration of water availability prior to modifications to the water ways and its potential influence on the archaeology of the area.
2. The scale of many of the maps of archaeological potential, recorded sites (including PAD), survey results and proposed impacts do not allow for an understanding of the archaeological potential of the project area, the sites or their potential interactions with the disturbance footprint. Please provide a map series of the project area including those at a scale to allow the information to be understood and allow for the identification of the AHIMS sites. Due to the projects' need for further detailed design throughout the assessment process please provide mapping including clear site and PAD boundaries including the site distribution referred to in the survey results.
 3. Please provide a copy of all responses provided by the Registered Aboriginal Parties regarding the draft ACHA within the 28-day statutory response timeframe (starting 19 July 2024). Heritage NSW acknowledges that Appendix A8 includes the automatic response message indicating inability to send the relevant email to pfyoung61@gmail.com. However, Heritage NSW notes that Section 2.5 of the ACHA refers to comments received by Cynthja Pappin on 21 July 2024 and this has not been provided with the finalised consultation documentation.
 4. Please provide an updated assessment of social and spiritual significance values. Section 9.3.4 of the ACHA includes a placeholder indicating that information is to be updated at the conclusion of Stage 4 consultation.
 5. Heritage NSW agrees that preparation of an Aboriginal Cultural Heritage Management Plan (ACHMP) should be developed in accordance with the recommendations in Section 12 of the ACHA prior to undertaking any works related to the proposal. However, Heritage NSW requires further articulation be made in the ACHA for each individual AHIMS site identified within the

disturbance footprint regarding proposed conservation/mitigation in the event that they would be impacted by the final design. Please identify management strategies should test excavation, salvage, community collection, etc be carried out and how these may change or be otherwise impacted by the final design.

6. Heritage NSW acknowledges that the disturbance footprint associated with the proposed Wind Farm works has formed the basis of the survey transect lines in both the June 2023 and March 2024 archaeological surveys. Please provide further clarification that the disturbance footprint is inclusive of all construction works associated with the proposed Wind Farm including all vehicle access, temporary offices, amenities, transport route upgrades and other operational facilities.

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

Yours sincerely,



Alison Lamond
A/Strategic Manager
Heritage NSW
Department of Climate Change, Energy, the Environment and Water
As Delegate under *National Parks and Wildlife Act 1974*
16 December 2024