



APPENDIX I HERITAGE TRANSPORT ROUTE
ASSESSMENT



The Plains Wind Farm - Transport Route, Pinch Point 10C - Broken Hill

Statement of Heritage Impact
Mining Precinct 9

Broken Hill LEP 2013 (Item 310-341)

Address and Location: Perilya Mine, North Leases, Broken Hill NSW 2880

Statement of Heritage Impact for: Construction of temporary road and installation of hardstand within heritage item

Prepared by: Environmental Resources Management Australia (ERM)

Prepared for: ENGIE Australia and New Zealand (Engie)

PREPARED FOR



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The Plains Wind Farm - Transport Route, Pinch Point 10C - Broken Hill

Statement of Heritage Impact
0667692



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ACRONYMS AND ABBREVIATIONS

Acronyms	Description
AC	Alternating Current
AHIMS	Aboriginal Heritage Information Management System
BESS	Battery Energy Storage System
Burra Charter	<i>The Australian International Council on Monuments and Sites (ICOMOS) Charter for the conservation of places of cultural significance (2013)</i>
CHL	Commonwealth Heritage List
CMP	Conservation Management Plan
DC	Direct Current
DCCEEW	Department of Climate Change, Energy, the Environment and Water
Engie	Engie Australia and New Zealand
ERM	Environmental Resources Management Australia Pty
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPIs	Environmental Planning Instruments
GWh	Gigawatt hours
ha	Hectares
Heritage Act	<i>The Heritage Act 1977</i>
HIS	Heritage Impact Assessment
ICOMOS	International Council on Monuments and Sites
IHO	Interim Heritage Orders
LEP	Local Environmental Plan
MNES	Matters of National Environmental Significance
MW	Megawatt
MWn	Maximum Generation Capacity AC
MWp	Maximum Generation Capacity DC
NSW	New South Wales

Acronyms	Description
NHL	National Heritage List
OSOM	Oversize and/or overmass
PREP	The Plains Renewable Energy Park
PV	Photovoltaic
REZ	Renewable Energy Zone
RNE	Register of the National Estate
SA	South Australia
SEPP	State Environmental Planning Policies
SHR	NSW State Heritage Register
SoHI	Statement of Heritage Impact
WHL	World Heritage List
WTG	Wind Turbine Generator

EXECUTIVE SUMMARY

Environmental Resources Management Australia Pty Ltd was commissioned by ENGIE Australia and New Zealand to prepare this Statement of Heritage Impact for road works required along the proposed transport route for The Plains Wind Farm (the Project). These works are required to facilitate the transportation of blade components for The Project, from the Port of Adelaide to just south of Hay, NSW. The Proposed Action is located at Broken Hill within the curtilage of the *City of Broken Hill* listed on the National Heritage List and *Mining Precinct 9* listed on the Broken Hill Local Environmental Plan 2013. As such, the proposed works will need to consider the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and *NSW Heritage Act 1977*.

This report has identified that the Proposed Action will not have an adverse impact on the heritage significance of the *Mining Precinct 9* or the *City of Broken Hill* in its entirety.

Overall, this assessment has found the Proposed Action will not result in the identified National Heritage values of the *City of Broken Hill* being lost, degraded or damaged or notably altered, modified, obscured or diminished. The Proposed Action should not have a significant impact on the heritage values of the National Heritage Place, and therefore, an EBPC Referral would not be required.

The proposed works within the curtilage of *Mining Precinct 9* are also consistent with the Section 139(4) Excavation Permit Exceptions, which state that an excavation permit under the *Heritage Act 1977* is not required for disturbance or excavation of land, provided the proposal is for *minor works or activities that have minimal impact on archaeological relics of local heritage significance*.

The following are key recommendations that aim to mitigate the impact of the Proposed Action on the identified heritage values of the *City of Broken Hill*, and *Mining Precinct 9*:

Recommendation 1 – Avoidance of Extensive Ground Disturbance

Extensive ground disturbance for the construction of the temporary road at the Proposed Activity Area and the installation of hardstand is to be avoided. Consideration should be given for 'building up' the roadway; removal of topsoil may be permitted but cut and fill should be minimised. If the proposed works extend outside of the area under assessment in this report, additional assessment may be required.

Recommendation 2 – Heritage Induction

Prior to the commencement of works, all contractors should be briefed on the requirements of the EPBC Act, *Heritage Act 1977*, and the Unexpected Finds Protocol (outlined in *Section 7.2.3.1*).

Recommendation 3 – Unexpected Finds Protocol

In the event that relics are unexpectedly exposed, works should cease immediately. The management of relics should be in accordance with NSW Heritage guidelines and policies, as outlined in the Unexpected Finds Protocol (*Section 7.2.3.1*).

Recommendation 4 – Rehabilitation of Area

Following the completion of the turbine component deliveries for the construction of the Project, the Proposed Activity Area should be rehabilitated; including the removal of gravel for temporary tracks, re-spreading the topsoil, and reinstating any fencing that was impacted by the works.

Recommendation 5 – Replacement of Removed Trees

While the trees proposed for removal at the Proposed Activity Area have not been found to contribute to the National Heritage values of the *City of Broken Hill*, they do provide some landscape value as established trees. To mitigate against any potential loss of landscape value and to soften the impact of their removal from the landscape, ENGIE should consult with the Broken Hill City Council on their preferred approach for tree replacement.

1. INTRODUCTION

Environmental Resources Management Australia Pty Ltd (ERM) was commissioned by ENGIE Australia and New Zealand (Engie) to prepare this Statement of Heritage Impact (SoHI) for road works required along the proposed transport route for The Plains Wind Farm (the Project). These works are required to facilitate the transportation of blade components for The Project, from the Port of Adelaide to just south of Hay, NSW. The Proposed Action is located at Broken Hill within the curtilage of the *City of Broken Hill* listed on the National Heritage List (NHL) and *Mining Precinct 9* listed on the Broken Hill Local Environmental Plan (LEP) 2013. As such, the proposed works will need to consider the provisions of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and *NSW Heritage Act 1977*.

1.1 PROJECT OVERVIEW AND DESCRIPTION OF THE PROPOSED HAUL ROUTE

The Project is a proposed wind farm located in Hay, NSW. The Project extends across an area of approximately 1,996.9 hectares (ha) (the wind farm development footprint). The wind farm will consist of up to 188 wind turbine generators (WTGs) with a maximum installed capacity of up to approximately 1,350 megawatts (MW). The Project is located within the boundary of the Hay Local Aboriginal Land Council (LALC).

The Project will feature some of the largest wind turbines and towers currently available with a proposed height (to tip of vertical blade) of 270 m (hub height 180 m, blade length up to 90 m). Tower components will be up to 6.3 m in width/height. As part of the construction of the Project the transportation of the blades and tower components from the Port of Adelaide to Project Site will play an important role in the site feasibility. Due to the large and specific equipment required to transport these loads, 'pinch points' were identified along the proposed transport route. These 'pinch points' are areas identified where modifications are required to either private or government owned land to facilitate transport of the wind farm components. These modifications include removal of signage and/or light poles, tree trimming and/or removal, and road and intersection upgrades.

The Transport Route Assessment identified the preferred port for the importation of the wind farm components as the Port of Adelaide (Ares Group, 2024). This port is currently being used by several wind farm projects and has the capacity and laydown area required for the Projects components. The proposed transport route for wind turbine blades requires modification at 11 pinch points (*Figure 1-1*). Most of the transport route for the blades is on state highways via Angle Vale, Gawler, Tarlee, and Burra in SA, and Broken Hill, Wilcannia, and Hay in NSW.

ERM prepared a Heritage Assessment (HA) of the proposed transport route (ERM March 2024) which presented an assessment of the heritage values along the proposed transport route. The HA identified that some of the pinch points in Broken Hill NSW are within the curtilage of National and Local Heritage Places. The HA recommended a SoHI be prepared for the Proposed Activity Area (Pinch Point 10C).

1.2 PROPOSED ACTIVITY AREA

The Proposed Activity Area that is the subject of this SoHI encompasses Pinch Point 10C of the proposed transport route, to make the right hand turn from Sturt/ Chettle Street to the Barrier Highway at Broken Hill, NSW.

Pinch Point 10C is within Lot 5834 DP757298, Lots 7313 & 7318 DP1185108, Lots 2039 & 2040 DP757298, and Lots 1 & 2 DP951486 (*Figure 1-2*).

1.3 PROPOSED ACTION

The Proposed Action will require civil works to extend a track from Sturt Street to the Barrier Highway (*Figure 1-3*). The installation of hardstand material is also required where the truck and trailer wheels leave the existing road surface to make the required turn. The removal of five trees, and the relocation of a power pole, will be required to provide clearance for the large rear overhang of the blades. The fence in the north-western area of the Broken Hill North Mine should be realigned to allow blades to pass through.

1.4 SCOPE AND METHODOLOGY

This report is consistent with the principles and guidelines of the *Burra Charter: The Australian ICOMOS Charter for the Conservation of Places of Cultural Significance 2013* (Burra Charter). The report has been prepared in accordance with the EPBC Act *Significant Impact Guidelines 1.1 – Matters of National Environmental Significance* (SIG 1.1), Commonwealth of Australia, 2013), *NSW Heritage Manual* (1996), published by the Heritage Office and Department of Urban Affairs and Planning, and *Guidelines for Preparing a Statement of Heritage Impact* (2023), published by the NSW Environment and Heritage, Department of Planning and Environment.

This SoHI aims to:

- Identify the statutory requirements in relation to the Project;
- Identify the heritage values of the impacted areas within the Proposed Activity Areas and any other listed heritage items in the vicinity of the Proposed Activity Area;
- Assess the potential impacts of the proposed works on listed heritage values; and
- Provide recommendations and mitigation measures, as required.

1.4.1 SITE INSPECTION

An inspection of the entire transport route was undertaken from 17 to 21 July 2023 by ERM Managing Heritage Consultant Lorien Perchard. All photographs in this report were taken during the site inspection by ERM personnel unless otherwise identified.

An inspection of the Proposed Activity Area was not undertaken, due to the later addition of this option to the revised Transport Route Assessment (2024).

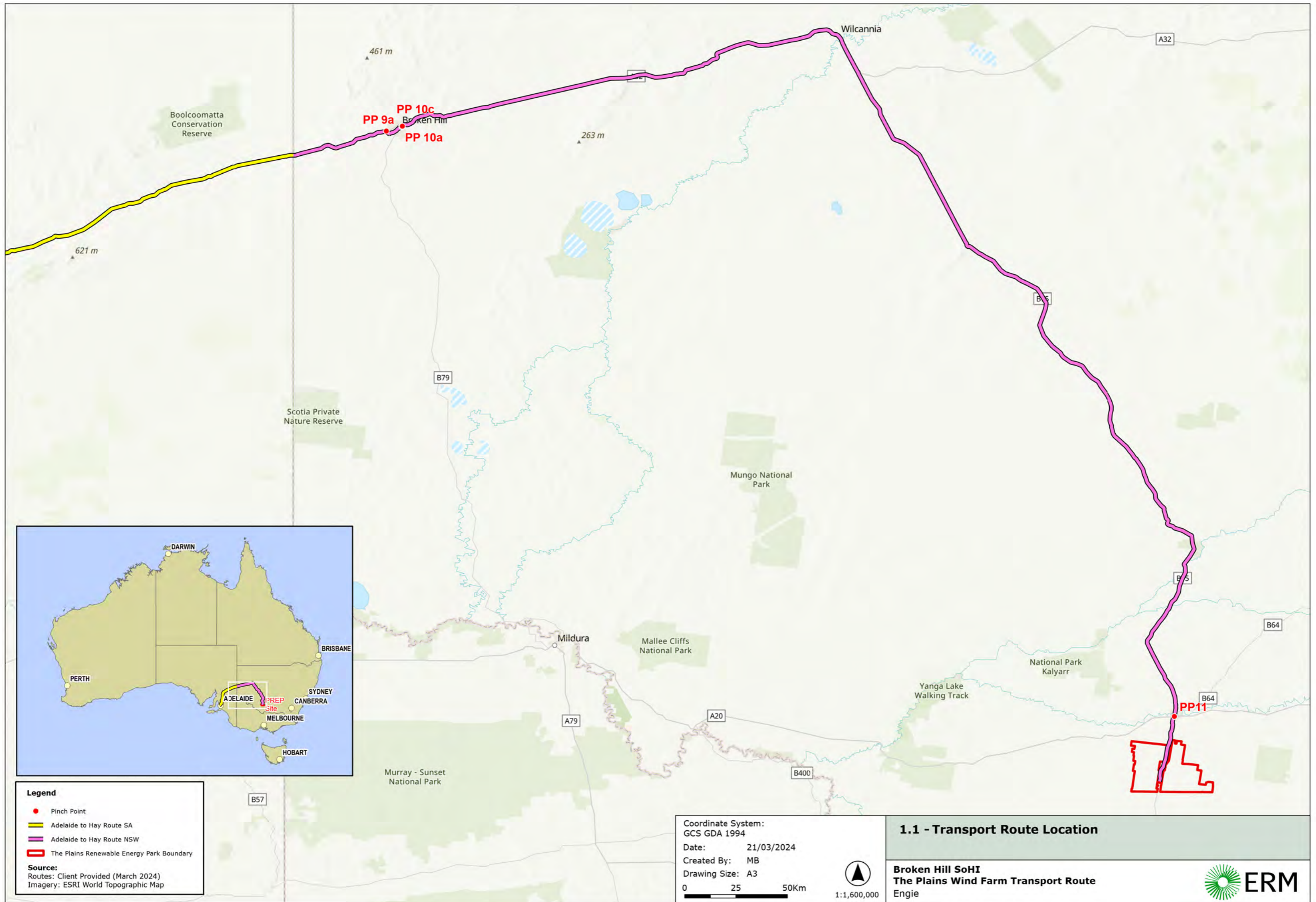
1.5 AUTHORSHIP

ERM Senior Consultant Victoria Gleeson prepared this report. ERM Technical Consulting Director Erin Finnegan, completed technical review. ERM Partner, Mark Davey, completed a quality control review.

1.6 LIMITATIONS

This SoHI has been prepared with respect to potential heritage impacts arising from the construction required to accommodate the Proposed Action within the areas specified by Engie and includes information provided by Engie and other consultants of the design team.

The assessment of the Proposed Activity Area has been desktop-based.



Legend

- Pinch Point
- Adelaide to Hay Route SA
- Adelaide to Hay Route NSW
- ▭ The Plains Renewable Energy Park Boundary

Source:
 Routes: Client Provided (March 2024)
 Imagery: ESRI World Topographic Map


Coordinate System:
 GCS GDA 1994

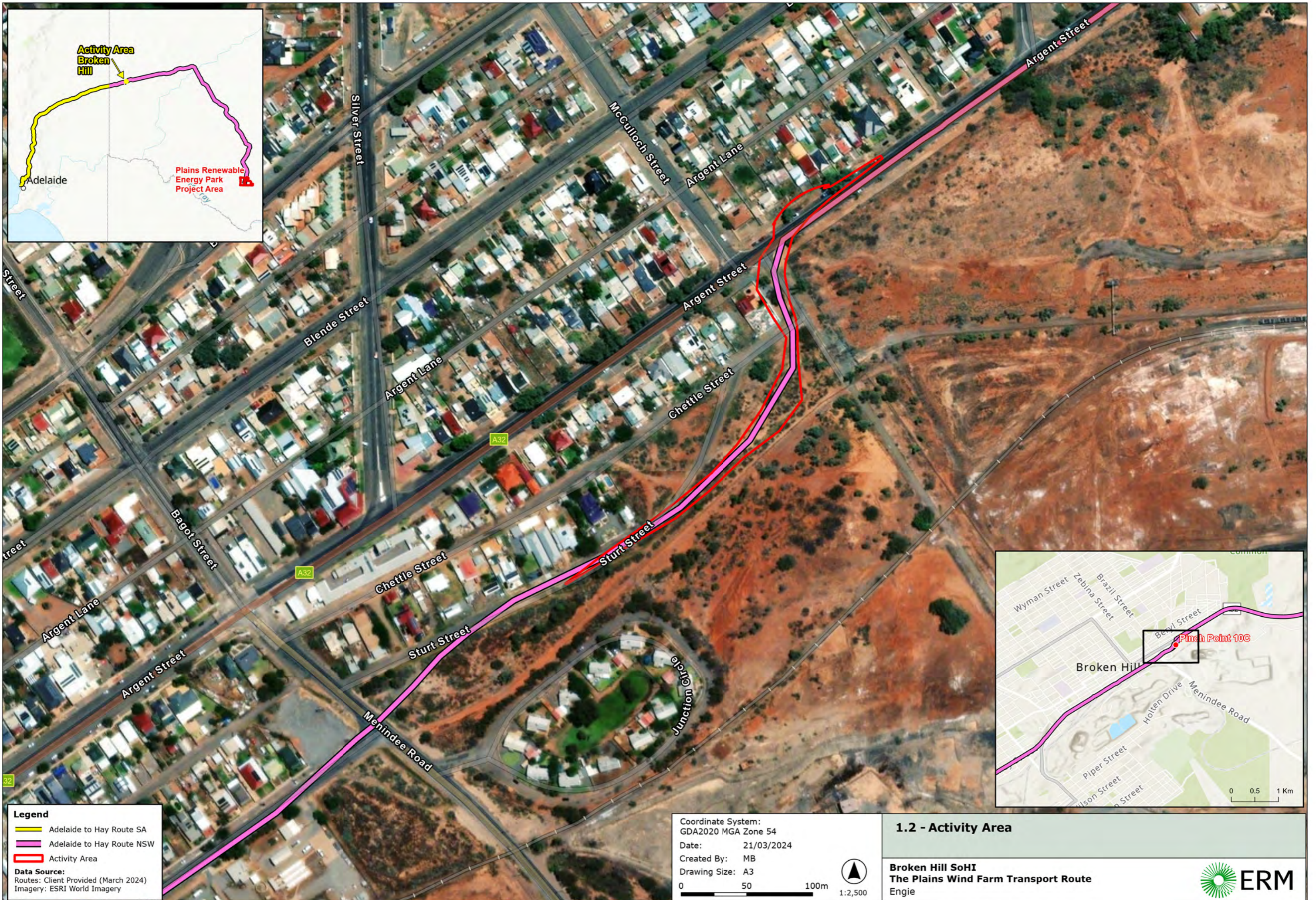
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 Created By: MB
 Drawing Size: A3

0 25 50Km
 1:1,600,000

1.1 - Transport Route Location

Broken Hill SoHI
The Plains Wind Farm Transport Route
 Engie





Legend

- Adelaide to Hay Route SA
- Adelaide to Hay Route NSW
- Activity Area

Data Source:
 Routes: Client Provided (March 2024)
 Imagery: ESRI World Imagery

Coordinate System:
 GDA2020 MGA Zone 54

Date: 21/03/2024

Created By: MB

Drawing Size: A3

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1.2 - Activity Area

Broken Hill SoHI
 The Plains Wind Farm Transport Route
 Engie

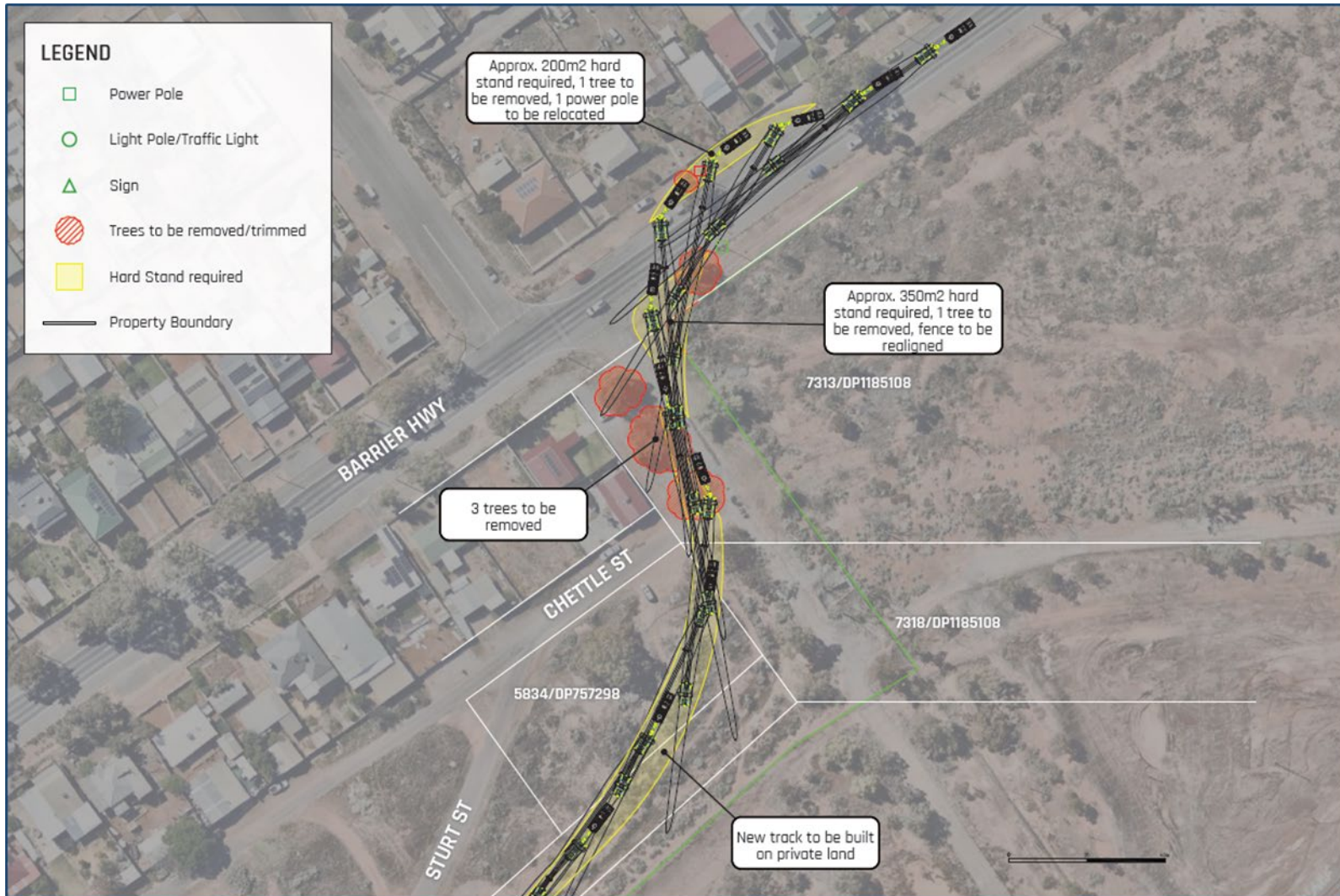


FIGURE 1-3 WORKS REQUIRED AT PINCH POINT 10C, THE RIGHT TURN AT STURT/ CHETTLE ST AND BARRIER HIGHWAY, BROKEN HILL (ARES GROUP 2024: 62-63)

2. STATUTORY FRAMEWORK AND HERITAGE CONTEXT

2.1 IDENTIFIED HERITAGE PLACES

The following statutory and non-statutory lists and registers have been reviewed to identify the location and significance of historic heritage items and places in the vicinity of the Proposed Activity Area:

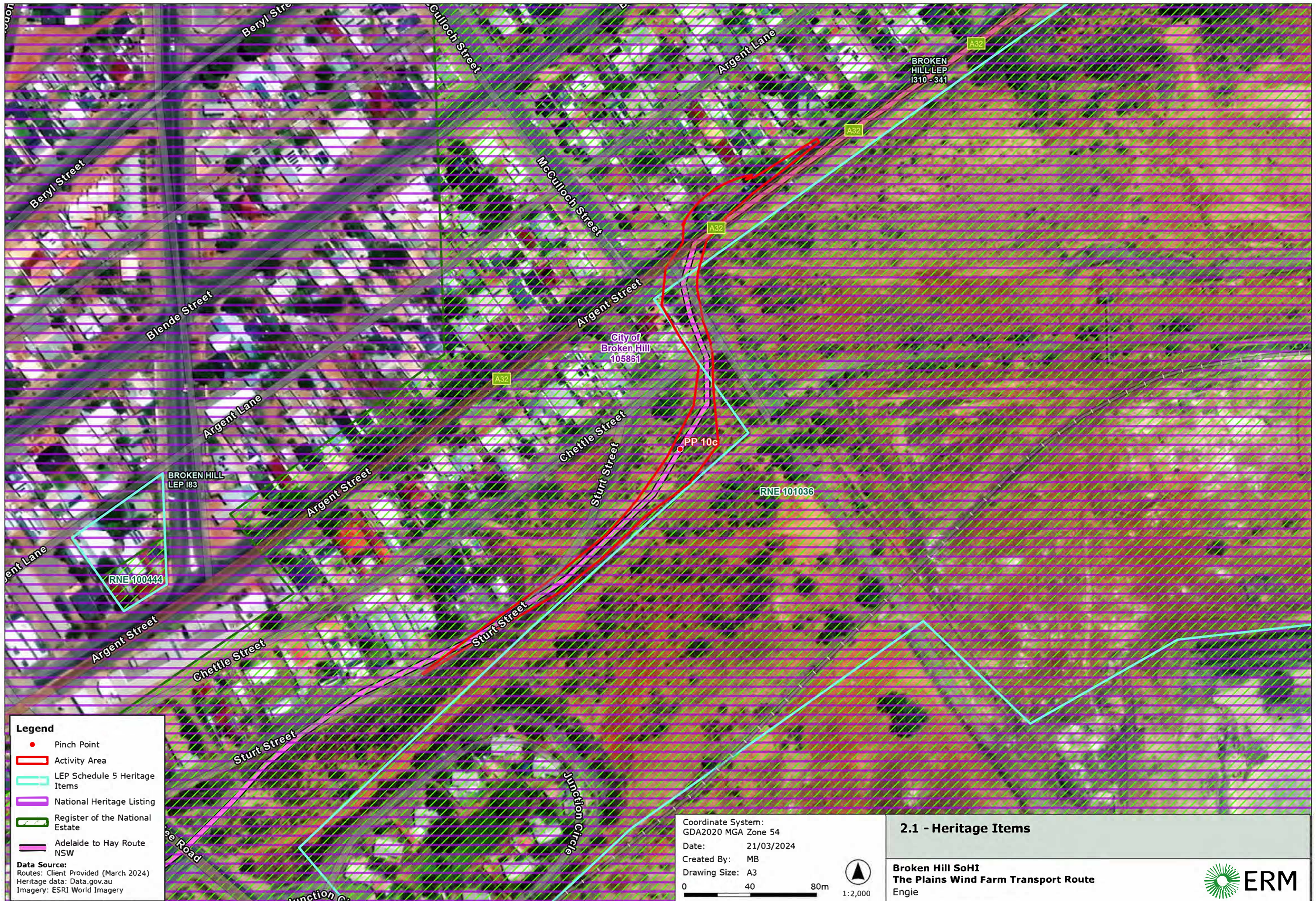
- World Heritage List (WHL);
- National Heritage List (NHL);
- Commonwealth Heritage List (CHL);
- NSW State Heritage Register (SHR);
- Broken Hill Local Environmental Plan (LEP) 2013;
- Register of the National Estate (RNE); and
- The National Trust of Australia (NSW).

The Proposed Activity Area have been found to be within or intersecting several historic heritage listings. For ease of reference these listings have been listed in *Table 2-1* below and presented in *Figure 2-1*.

TABLE 2-1 HERITAGE LISTINGS WITHIN THE PROPOSED ACTIVITY AREAS

Heritage Register	Item Name	Place ID / Item Number
Statutory Listings		
NHL	City of Broken Hill	105861
Broken Hill LEP 2013	Mining Precinct 9	310-341
Non-Statutory Listings		
RNE	Line of Lode	101036

There are no sites within the Proposed Activity Area listed on the WHL, CHL, SHR, or National Trust of Australia (NSW).



Legend

- Pinch Point
- Activity Area
- LEP Schedule 5 Heritage Items
- National Heritage Listing
- Register of the National Estate
- Adelaide to Hay Route NSW

Data Source:
 Routes: Client Provided (March 2024)
 Heritage data: Data.gov.au
 Imagery: ESRI World Imagery

Coordinate System:
 GDA2020 MGA Zone 54
 Date: 21/03/2024
 Created By: MB
 Drawing Size: A3

0 40 80m

1:2,000

2.1 - Heritage Items

Broken Hill SoHI
 The Plains Wind Farm Transport Route
 Engie



2.2 COMMONWEALTH LEGISLATION

2.2.1 ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999

The primary objective of the EPBC Act is to protect the environment, particularly those aspects that are Matters of National Environmental Significance (MNES). The EPBC Act outlines a legal framework for the protection and management of nationally and internationally important flora, fauna, ecological communities and heritage places. The EPBC Act established the Commonwealth Heritage List (CHL) and National Heritage List (NHL) and provides protection for places on the World Heritage List (WHL). The EPBC Act also references the Register of National Estate (RNE) (now repealed).

The key sections of the EPBC Act that are of direct relevance to this assessment are:

- Part 3, Division 1: Requirements Relating to Matters of National Environmental Significance;
- Section 15B: Requirement for approval of activities with a significant impact on National Heritage values;
- Section 15B specifically relates to National Heritage Places. National Heritage are matters of NES and therefore protected by the EPBC Act. If the Minister decides that an action will or is likely to have a significant impact on a matter of National Environmental Significance, then the action will require approval under the EPBC Act; and
- Section 341ZC: Requirement to minimise adverse impacts on the heritage values. A Commonwealth agency must not take an action that has, will have or is likely to have an adverse impact on National Heritage values of a National Heritage place unless:

there is no feasible and prudent alternative to taking the action; and

all measures that can reasonably be taken to mitigate the impact of the action on those values are taken.

This might be direct impacts from physical disturbance or could also include secondary impacts in the event of activities that would impact on the visual aspect, cultural importance, landscaping and curtilage of an adjacent listed property.

Under the EPBC Act, a 'significant impact' is an impact which is adverse – it is important, notable, or of consequence, having regard to its context or intensity. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value and quality of the environment which is impacted. Any actions which will or are likely to significantly impact the environment need to be assessed.

2.2.1.1 SIGNIFICANT IMPACT GUIDELINES

The Significant Impact Guidelines 1.1 – Matters of National Environmental Significance (SIG 1.1) ; provides overarching guidance on determining whether an action is likely to have a significant impact upon matters of national environmental significance which are protected under national environment law including:

- Listed threatened species and communities;
- Listed migratory species;
- Ramsar wetlands of international importance;
- Commonwealth marine area;
- World heritage properties;
- National heritage places;
- The Great Barrier Reef Marine Park;
- Nuclear actions; and
- A water resource, in relation to coal seam gas development and large coal mining development.

These guidelines have been developed to assist any persons in particular categories who proposes to take an action to decide whether they should submit a referral to the Minister. These guidelines outline a 'self-assessment' process, including detailed criteria to assist persons in deciding whether referral may be required.

2.2.1.2 EPBC ACT REFERRAL PROCESS

Under Part 9 of the EPBC Act, any action that is likely to have a 'significant impact', or other MNES is known as a 'controlled action' under the Act, may require approval of the Australian Government Environment Minister (the Minister). Generally, a significant impact is an action that has an important, notable consequence. Whether or not an action is likely to have a significant impact depends upon the sensitivity, value and quality of the environment that is impacted, and upon the intensity, duration, magnitude and geographic extent of the impacts.

If an action is likely to have a significant impact, an *EPBC Act referral* must be prepared and submitted to the Environment Minister for approval (refer to Part 3, Division 1 and Section 28 of the *EPBC Act*). The EPBC Referral process is shown as a flow chart in *Figure 2-2* .

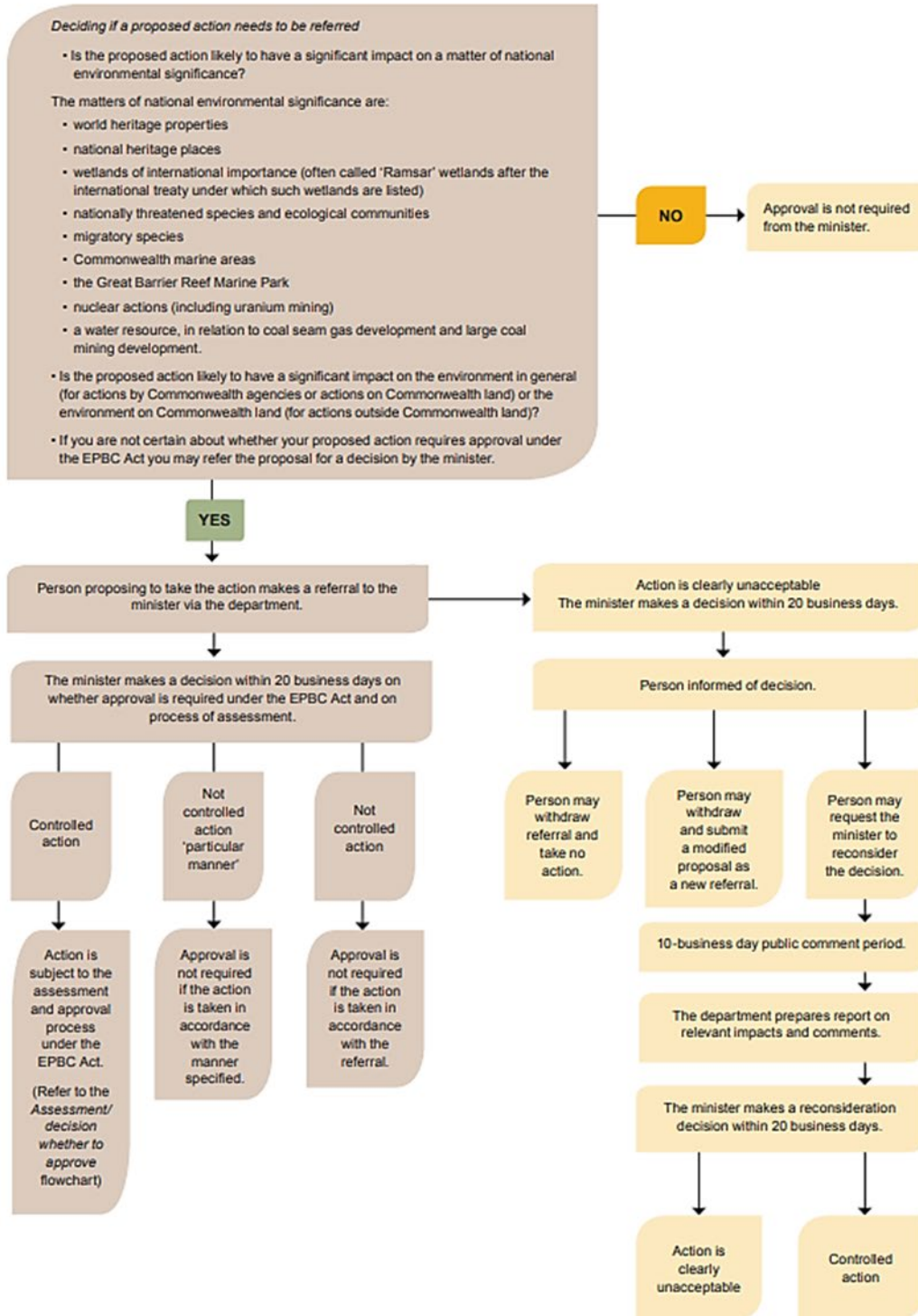


FIGURE 2-2 EPBC REFERRAL PROCESS (SOURCE: DCCEEW, 2023)

2.2.1.3 THE NATIONAL HERITAGE LIST

Inclusion on the NHL protects places that have outstanding value to the nation. The Australian Department of Climate Change, Energy, the Environment and Water (DCCEEW) is responsible for the implementation of national policy, programs and legislation to protect and conserve Australia's environment and heritage and to promote Australian arts and culture. The Minister's Approval is required for 'controlled' actions which would have a significant impact on items and places included on the NHL.

Pinch Points 09 & 10 along the proposed haul route are within the curtilage of the City of Broken Hill, (Place ID 105861), gazetted as a place on the NHL on 20 January 2015 (Figure 2-1). The values meet the threshold of NHL Criteria for historic (a), rarity (b), research (c), representativeness (d), aesthetic (e), creative or technical achievement (f), social (g) and associative (h) values, as described in the Statement of Significance below:

The City of Broken Hill has outstanding significance to the nation for its role in creating enormous wealth, for its long, enduring and continuing mining operations, and the community's deep and shared connection with Broken Hill as the isolated city in the desert, its outback landscape, the planned design and landscaping of the town, the regeneration areas and particularly the physical reminders of its mining origins such as the Line of Lode, the barren mullock heaps, tailings, skimps and slagheap escarpment and relict structures. It exhibits historic qualities in its ongoing mining operations since 1883, the current and relict mining infrastructure and its landscape setting. It is significant for its industrial past and the adoption of vanguard industrial relations and management policies, together with its role as a pioneer in setting occupational health and safety standards.

It demonstrates the principal characteristics of a mining town in a remote location with extensive transport infrastructure and administrative connections to three state capitals and as a rare example of a place subject to Australia's complex Federal system where differing administrative, social and economic influences are expressed in both tangible and intangible forms. It has social significance for its residents as a place of community pride, endurance, and as a remote mining community resilient to major social and economic change. Broken Hill has strong social significance for all Australians as a place where great wealth was created, as well as strong group associations with the Barrier Industrial Council. It exhibits outstanding aesthetic characteristics as a city in an arid desert setting, as the subject of interest for Australian artists, poets, film makers, TV producers and photographers.

It has significance as a place where outstanding technical achievement has occurred in refining ore for its minerals including the froth flotation process and the computer controlled on-stream analysis of slurries. Broken Hill is also important as a place of research potential to reveal further information on mineral deposits with its range of complex minerals. It is associated with persons of great importance to Australia's history, including Albert Morris (arid land regeneration), Charles Rasp (discoverer), Herbert Hoover (mining engineer), WL Baillieu, WS Robinson and MAE Mawby (industrialists), GD Delprat (metallurgist), Percy Brookfield and Eugene O'Neill (unionists). Broken Hill's association with the Barrier Industrial Council as a group is also important.

The Broken Hill zinc-lead-silver ore deposit is one of the world's largest ore bodies and contains an extraordinary array of minerals. It is geologically complex and has national scientific significance. The Broken Hill operation is significant for its immense size and unrecorded mineral species continue to be found. It contributes to an understanding of the formation of the Australian continent and more than 2,300 million years of the earth's history.

2.3 NSW STATE LEGISLATION

2.3.1 NSW HERITAGE ACT 1977

The *NSW Heritage Act 1977* (Heritage Act) provides protection for heritage places, buildings, works, relics, moveable objects, precincts and archaeological sites; these include items of Aboriginal and non-Aboriginal (historic) heritage significance. The aim of the Act is to conserve the heritage of NSW. The aim of heritage management is not to prevent change and development, but to ensure that the heritage significance of recognised heritage items is not harmed by changes and developments.

Where these recorded heritage items have particular importance to the people of NSW, they are listed on the SHR, through gazettal in the NSW Government Gazette. Nominated items are considered by the NSW Heritage Council, which then makes a recommendation to the Minister for Environment and Heritage. The Heritage Council is empowered to place Interim Heritage Orders (IHO) on an item of potential state significance.

Part 4 Sections 57 to 69 of the Heritage Act address the statutory requirements for items and places listed on the SHR. Works which include demolition, damage or alteration of a heritage item or place require the approval of the Heritage Council of NSW or its delegates.

There are no items or conservation areas listed on the SHR within or close proximity to the Proposed Activity Area.

Sections 139 to 146, Divisions 8 and 9 of Part 6 of the Act refer to the requirement that excavation or disturbance of land that is likely to contain, or is believed may contain, archaeological relics is undertaken in accordance with an excavation permit issued by the Heritage Council (or in accordance with a gazetted exception under Section 139(4) of the Act). An archaeological relic is defined as meaning *any deposit, artefact, object or material evidence that:*

(a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and

(b) is of State or local heritage significance

In particular Section 139 refers to the need for a permit in certain circumstances:

1. A person must not disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit.

2. A person must not disturb or excavate any land on which the person has discovered or exposed a relic except in accordance with an excavation permit.

2.3.2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act) regulates a system of environmental planning and assessment for NSW. Land use planning requires that environmental impacts, including those on cultural heritage, must be considered when making decisions about the future of a place.

The EP&A Act allows for the preparation of planning instruments to direct development within NSW. This includes Local Environment Plans (LEP), which are administered by local government; and State Environmental Planning Policies (SEPPs), covering areas or issues of State or regional environmental planning importance. LEPs commonly identify and have provisions for the protection of local heritage items and heritage conservation areas; they principally determine land use and the process for development applications.

The Proposed Activity Area is within the Broken Hill Local Government Area (LGA) and the Broken Hill LEP 2013 is relevant.

2.3.2.1 BROKEN HILL LEP 2013

Schedule 5 'Environmental Heritage', Part 1 'Heritage Items' in the Broken Hill LEP 2013 identifies the historic objects or places of heritage significance within the immediate vicinity of the Proposed Activity Area.

The Proposed Activity Area is within the curtilage of the Mining Precinct 9 (Item 310-341), at Perilya Mine, North Leases, Broken Hill (*Figure 2-1*). There are no additional local heritage listed items within a 100 m radius of the Proposed Activity Area.

2.4 NON-STATUTORY CONSIDERATIONS

2.4.1 THE BURRA CHARTER: THE AUSTRALIA ICOMOS CHARTER FOR PLACES OF CULTURAL SIGNIFICANCE 2013

The Australian ICOMOS (International Council on Monuments and Sites) Charter for the conservation of places of cultural significance (the Burra Charter) sets a standard of practice for those who provide advice, make decisions about, or undertake works to places of cultural significance including owners, managers and custodians. The Burra Charter was first adopted in 1979 at the historic South Australian mining town of Burra. Minor revisions were made in 1981 and 1988, with more substantial changes in 2013. The Charter provides specific guidance for physical and procedural actions that should occur in relation to significant places. The principles, as follows, are the basis for heritage management and conservation processes:

- The place is important;
- Understand the fabric;
- Significance should guide decisions;
- Do as much as necessary, as little as possible;
- Keep records; and
- Do everything in logical order.

A copy of the Burra Charter can be accessed online at <http://icomos.org/australia>.

2.4.2 REGISTER OF THE NATIONAL ESTATE

The Register of the National Estate (RNE) is now an archive of information on more than 13,000 places throughout Australia including many places of local or state significance. The RNE was closed in 2007 and is no longer a statutory list. The closure of the RNE does not diminish protection of Commonwealth heritage places.

The RNE is maintained on a non-statutory basis as a publicly available archive and educational resource. RNE places can be protected under the EPBC Act if they are also included in another Commonwealth statutory heritage list or are owned or leased by the Commonwealth. In addition, places in the RNE may be protected under appropriate state, territory or local government heritage legislation.

The *Line of Lode* (Place ID: 101036) at Eyre St, Broken Hill, encompasses the Proposed Activity Area.

3. UNDERSTANDING THE PLACE: CONTEXTUAL HISTORY

The following contextual history has been largely extracted from the existing HA for the proposed transport route (ERM March 2024). ERM has undertaken additional historic research with regards to the development of the Broken Hill mining industry for context specific to the Proposed Activity Area.

3.1 EARLY EXPLORATION AND COLONIAL SETTLEMENT

European surveyor Major Thomas Mitchell was the first to explore the Far West and Central Darling regions of NSW in 1835, and in 1844 Charles Sturt began exploring the land to the west of the Darling River and crossed and named the Barrier Ranges (in which Broken Hill is located). Sturt reported that the land was mostly dry and useless. Settlement through the early 1840s largely followed the routes of previous explorers in the region and was concentrated along rivers. However, activity in the northern and north-western areas of the region was limited due to the remoteness and unreliable access to water (Godden McKay 1998: 38).

Robert O'Hara Burke and William John Wills led an expedition through inland Australia from Melbourne to the Gulf of Carpentaria in 1860; they passed through Menindee (approximately 110 km south-east of Broken Hill) and used the Maidens Hotel as a base during their expedition (Broken Hill City Council 2023). Menindee was the first permanent town to be established on the Darling River.

The Selection Acts of 1861 further influenced the development of those areas along the Darling River and Lachlan River, with pastoral runs being increasingly established. Pastoralism was the main industry in the region during the 1870s; however, the mining of copper, silver, gold and lead, later changed the pattern of settlement of the region (Godden McKay 1998: 41).

In 1883 Charles Rasp, a boundary rider from Mt Gipps pastoral station, identified what he believed to be tin in the Barrier Ranges (now Broken Hill); this would later prove to be samples of silver coming from one of the largest metallic ores bodies in the world, becoming known as the Line of Lode (*Figure 3-1*). Mining leases were subsequently established, and the Broken Hill area grew and prospered despite its remote location and harsh climate (University of SA 2005: 6).

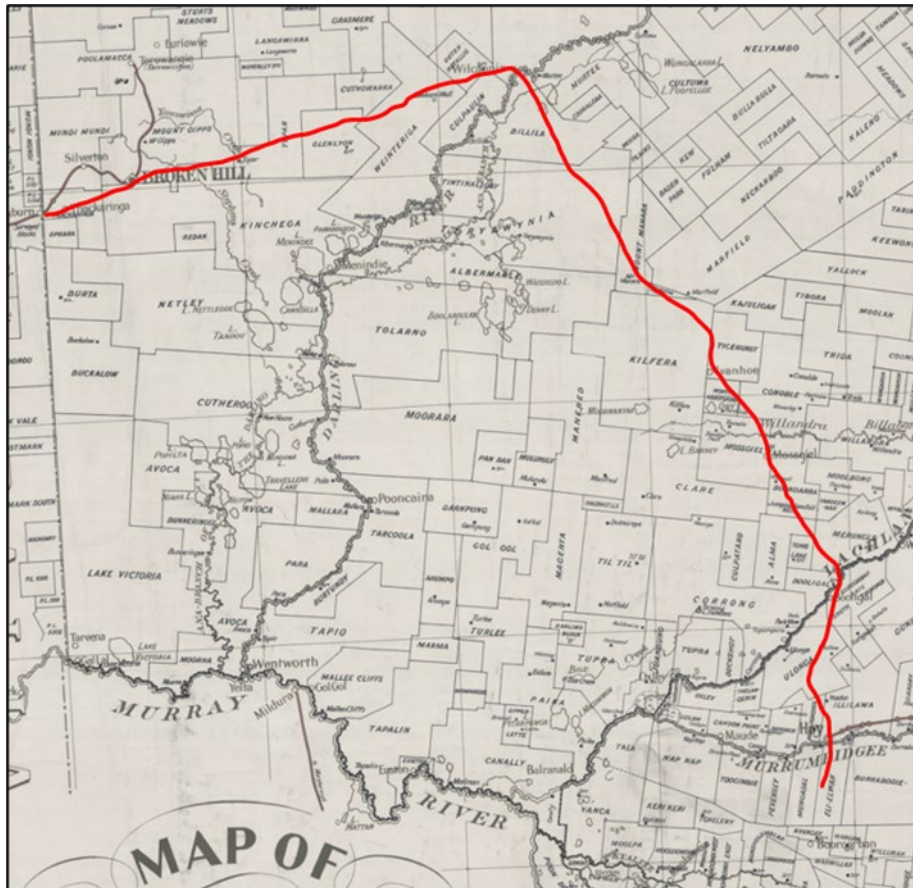


FIGURE 3-1 DETAIL OF 'MAP OF NEW SOUTH WALES SHOWING PASTORAL STATIONS' (C.1903) (STATE LIBRARY OF NSW, RECORD ID: 74VVVMNKX8RB).

3.2 DEVELOPMENT OF BROKEN HILL AND MINING INDUSTRY

Following Charles Rasp’s discovery of mineral-ore at Broken Hill in September 1883, a mining lease was pegged out on an area of 40 acres. Rasp formed the ‘Syndicate of Seven’ with six sheep station employees, who took out a further six 40-acre leases that were registered as Blocks 10 to 16 (McQueen 2015: 4). The first seven 40-acre mining leases at Broken Hill were numbered Blocks 10-16 and were in the central part of the Line of Lode (Figure 3-2). In its original form, the Line of Lode was the main body of metallic ore (lead-silver-zinc) at Broken Hill, comprising a series of contiguous leases that together formed an arched band approximately 150 m wide and 9 km long, running in a southwest-northwest direction (Figure 3-3) (University of SA 2005: 6).

The area was gripped by drought and there was limited activity on the mining leases until late 1884 when miners were engaged to sink the Rasp Shaft (McQueen 2016: 86). The extent and nature of the Line of Lode was established by early 1885; it was in this year that the Syndicate of Seven formed the Broken Hill Proprietary Company Limited (BHP) (GML 2007: 9). Smelting commenced in May 1886 and in the first year 28 800 tonnes was treated to produce bullion containing 1.7 million ounces of silver and 4827 tonnes of lead (McQueen 2015: 5).

The areas outside of the original seven mining leases were prospected and numerous other leases were pegged and granted. Mineral Lease 17 (ML17) at the north-eastern end of the Line of Lode (and to south of the Proposed Activity Area) was pegged in 1883 and was originally known as the "Cosmopolitan Mine" of silver and lead. Two shafts were sunk on ML 17; however, no payable ore was found (McQueen 2016: 88). When the lease was sold to the Broken Hill North Silver Mining Company in 1885 it was renamed the "North Mine" (R.W.Corkery & Co 2022: 1-2).

Mineral Lease 39 (ML 39) encompassing the western part of the Proposed Activity Area, was pegged in 1884 to Broken Hill Junction Lead Mining Company. Mineral Lease 40 (ML 40), encompassing the eastern part of the Proposed Activity Area, was pegged in 1884 to Junction North Silver Mining Company Ltd and was known as the "Junction North Mine" (Figure 3-2) (GML 2007: 10). The mining of silver continued at depth at ML 40 from 1897 until the lease was taken over by the North Mine in 1931 (R.W.Corkery & Co 2022: 1). The mining at ML 39 continued intermittently until 1923, when it was taken over by the Sulphide Corporation (GML 2007: 10).

In 1884 the construction of the railway began, to serve the Silverton and Broken Hill mining districts, further aiding the growth of Broken Hill. By 1885, Broken Hill had become a major township on the north-western side of the Line of Lode; it was originally known as 'Willyama', believed to be a local Aboriginal term meaning 'Leaping Crest'. The layout of the town was in a grid-pattern to the north of the Line of Lode (PocketOz, 2023; NHL Citation Broken Hill). Another grid was established to the south of the Line of Lode, known as 'Alma' (Figure 3-3). Both settlements became known collectively as Broken Hill.

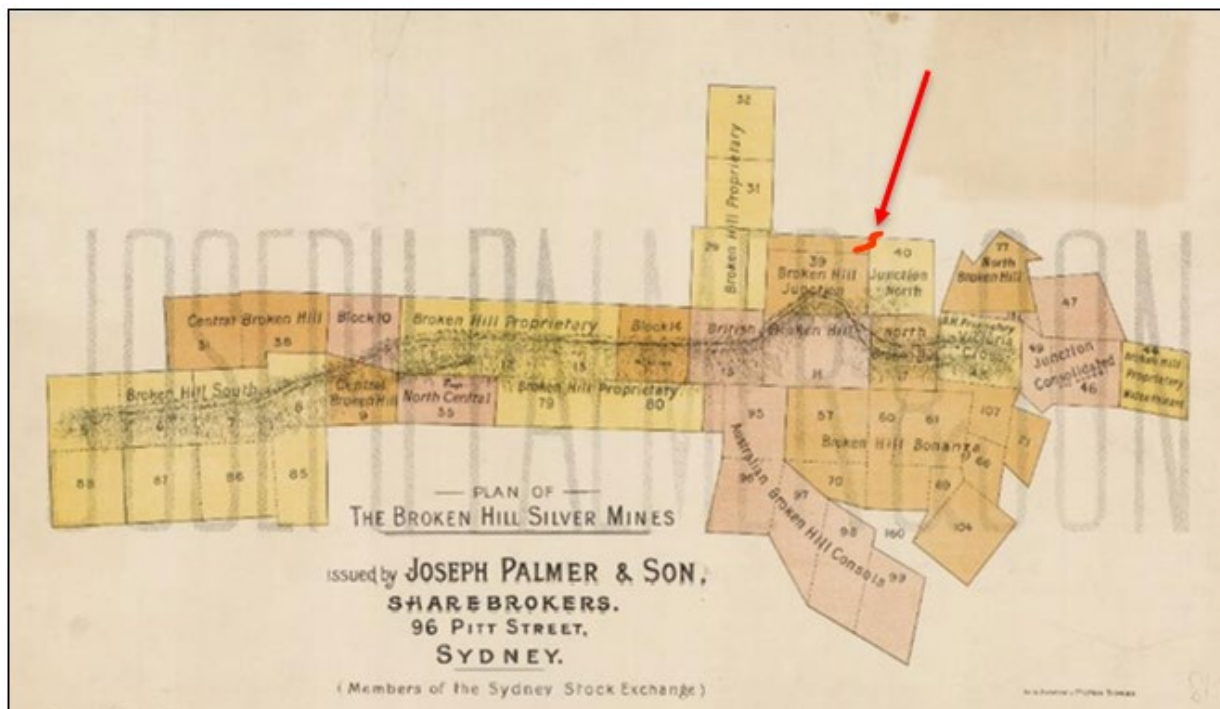


FIGURE 3-2 DETAIL OF 'PLAN OF THE BROKEN HILL SILVER MINES' (C.1901-1911) SHOWING THE PROPOSED ACTIVITY AREA WITHIN MINING LEASES 39 & 40 (MARKED RED AND ARROWED) (STATE LIBRARY OF NSW, RECORD ID: 74VKWXMV3POY)

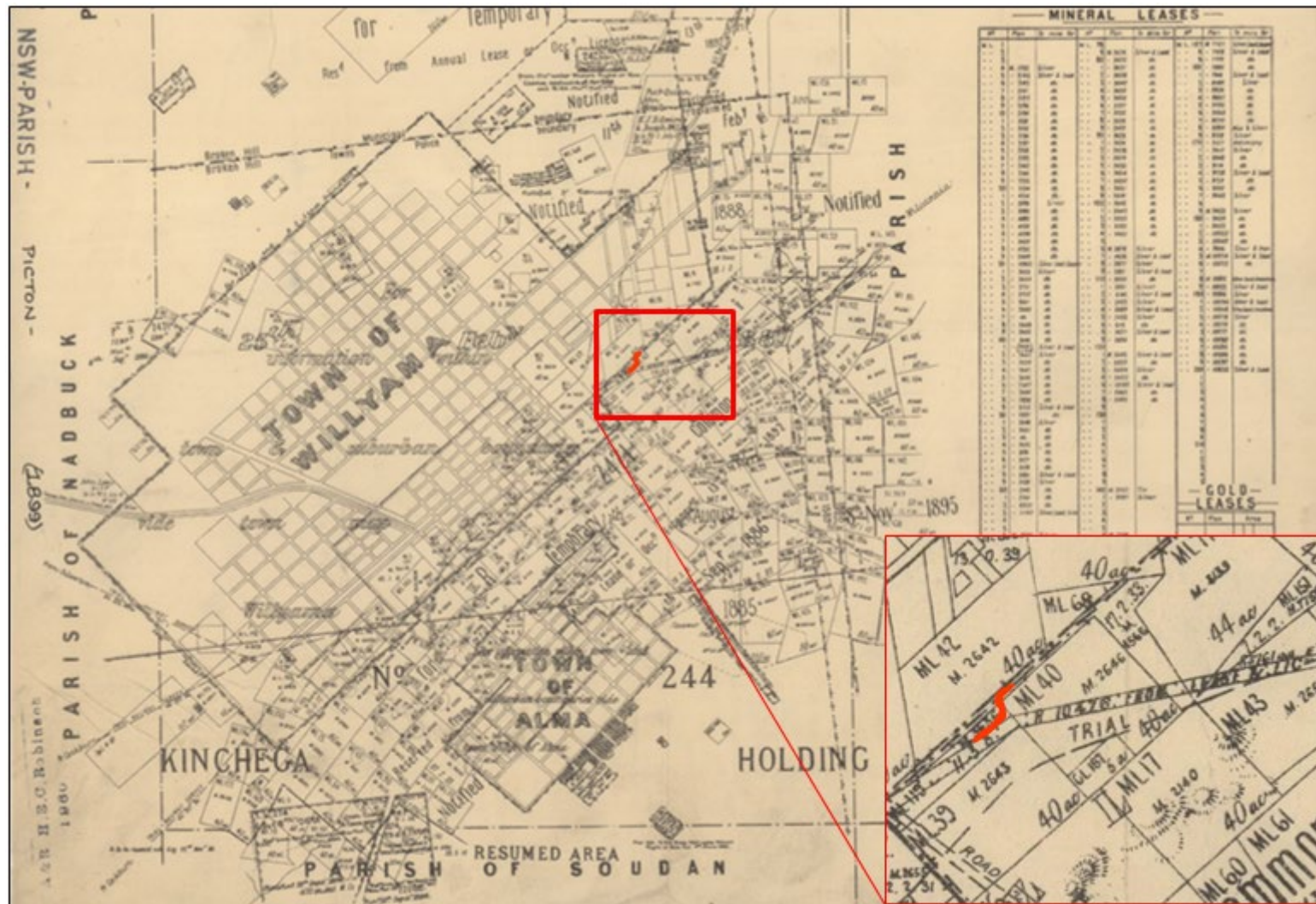


FIGURE 3-3 DETAIL OF PICTON PARISH MAP (1899), SHOWING THE TOWNS OF WILLYAMA AND ALMA, AS WELL AS THE LINE OF LODGE MINING LEASES. PART OF THE PROPOSED ACTIVITY AREA IS WITHIN ML 39 & 40 (MARKED IN RED) (STATE LIBRARY OF NSW, RECORD ID: 74VV3REAPK7A)

3.3 TWENTIETH CENTURY DEVELOPMENT OF THE NORTH MINE AND BROKEN HILL TO PRESENT

Between 1907 and 1909 the North Mine was extensively reconstructed, including a new mill, electrical plant, boilers, offices and ventilation fans, allowing mining at greater depths. By 1912 mining was occurring at a depth of approximately 425 m (*Figure 3-4*) (R.W.Corkery & Co 2022: 4). By 1907 over 8,000 men worked in the mines and Broken Hill was declared a city; it was the second largest city in NSW after Sydney, with its maximum population reaching 35,000 in 1915 (PocketOz 2023).

In the 1920s and early 1930s, the North Mine acquired surrounding mining leases in the north-eastern section of the Line of Lode (including ML 40, encompassing part of the Proposed Activity Area). An additional shaft and mill were constructed at the North Mine in the 1930s (to the west of the first) (*Figure 3-5*). By the 1930s the rail network has developed to provide access to all the mines and ultimately linked to the South Australian Railways and to Sydney (GML 2007: 18). A central power supply for Broken Hill Mines was commissioned in 1931 (GML 2007: 22-23).

A third shaft was constructed at the North Mine between 1948 and 1956, and mining operations were relocated to this area. In 1976 the North Mine was restructured, becoming North Broken Hill Holdings Limited, later Pasminco in 1988. In 1990, most of the infrastructure at No.1 Mill was demolished to allow development of an open cut mine. Mining operations continued at the North Mine until 1998; in 2002 Perilya Limited acquired Pasminco's Broken Hill assets, including the North Mine (GML 2007: 24-26).

The North Mine operated between 2003 and 2008, after which it was placed under care and maintenance. Approval was granted in 2017 for the recommencement of mining operations for a period of 25 years (until December 2042), with rehabilitation operations to occur beyond this if required (R.W.Corkery & Co 2022: 5).

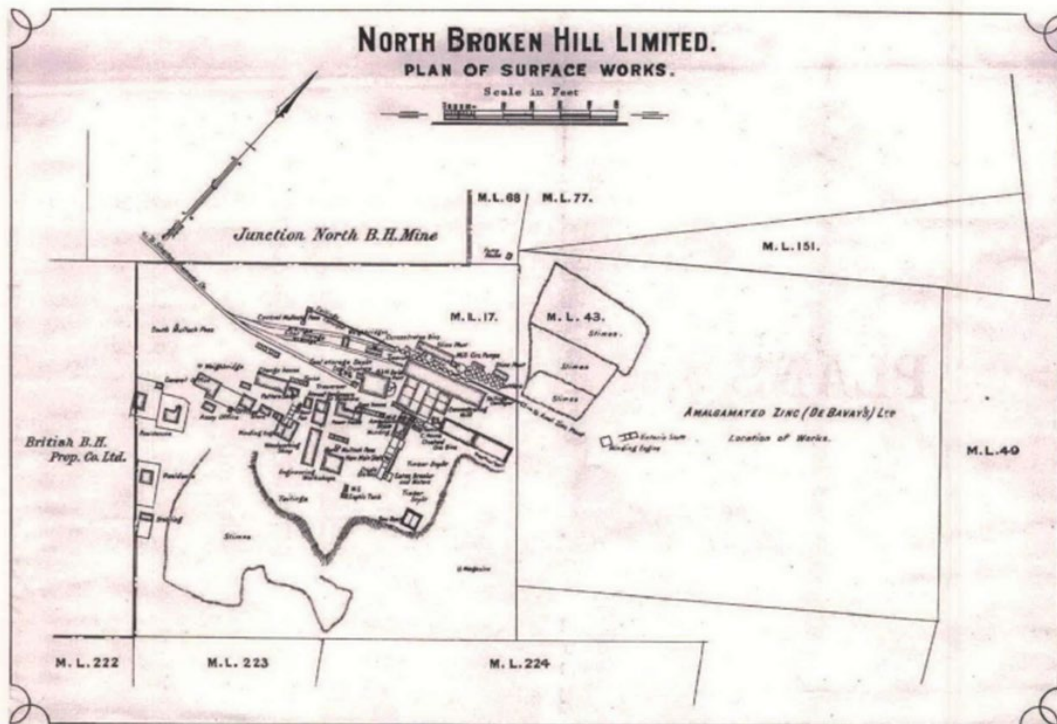


FIGURE 3-4 PLAN OF THE NORTH MINE (1913). PART OF THE PROPOSED ACTIVITY AREA IS WITHIN 'JUNCTION NORTH B H MINE', TO THE NORTH (GML 2007: 34)

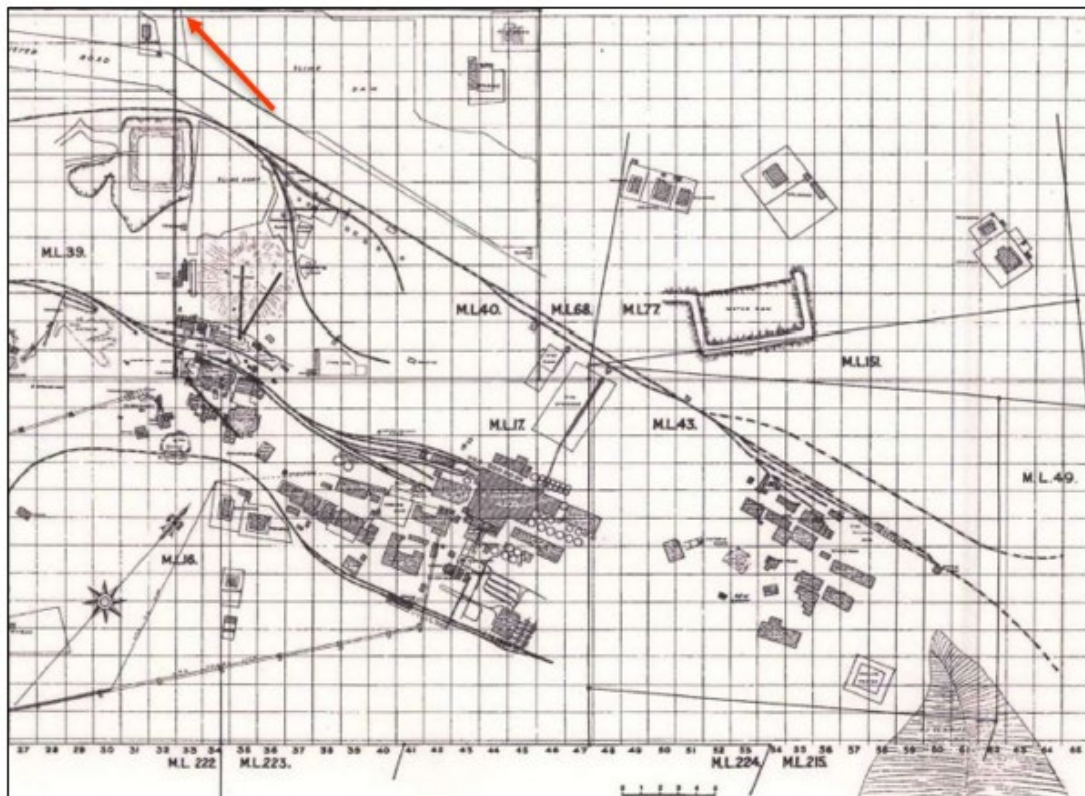


FIGURE 3-5 PLAN OF THE NORTH MINE 1931. THE APPROXIMATE LOCATION OF THE PROPOSED ACTIVITY AREA IS ARROWED (GML 2007: 38)

4. SITE DESCRIPTION

4.1 LANDSCAPE CONTEXT

The Proposed Activity Area is located between the eastern end of Sturt/ Chettle Street and the Barrier Highway in Broken Hill. Residential lots exist along these streets.

The Proposed Activity Area includes the construction of a temporary track running SW-NE connecting Sturt Street to the Barrier Highway. The track will traverse a private lot at the eastern end of Sturt Street (Lot 5834 DP757298), and hard stand will be required within the heritage curtilage of *Mining Precinct 9* (Lot 7313 DP1185108), as well as within several residential lots on the Barrier Highway (Lots 2039 & 2040 DP757298, and Lots 1 & 2 DP951486). An inspection of the Proposed Activity Area has not been completed; therefore, no photographs of this area are included.

The *Perilya North and South Leases, Broken Hill, Conservation Management Plan (CMP)* (GML 2007) includes a plan illustrating the heritage items within the Broken Hill North Mine (*Figure 4-1*). There are no heritage items within the Proposed Activity Area. The closest is a concrete and stone drainage channel (4 m wide and 2 m deep), located approximately 35 m south-east of the Proposed Activity Area (*Photograph 4-1*). The Broken Hill North Mine structures and open cut pit are located approximately 320 m south-east of the Proposed Activity Area (*Photograph 4-2*). Residences associated with the North Mine are located approximately 200 m east of the Proposed Activity Area.

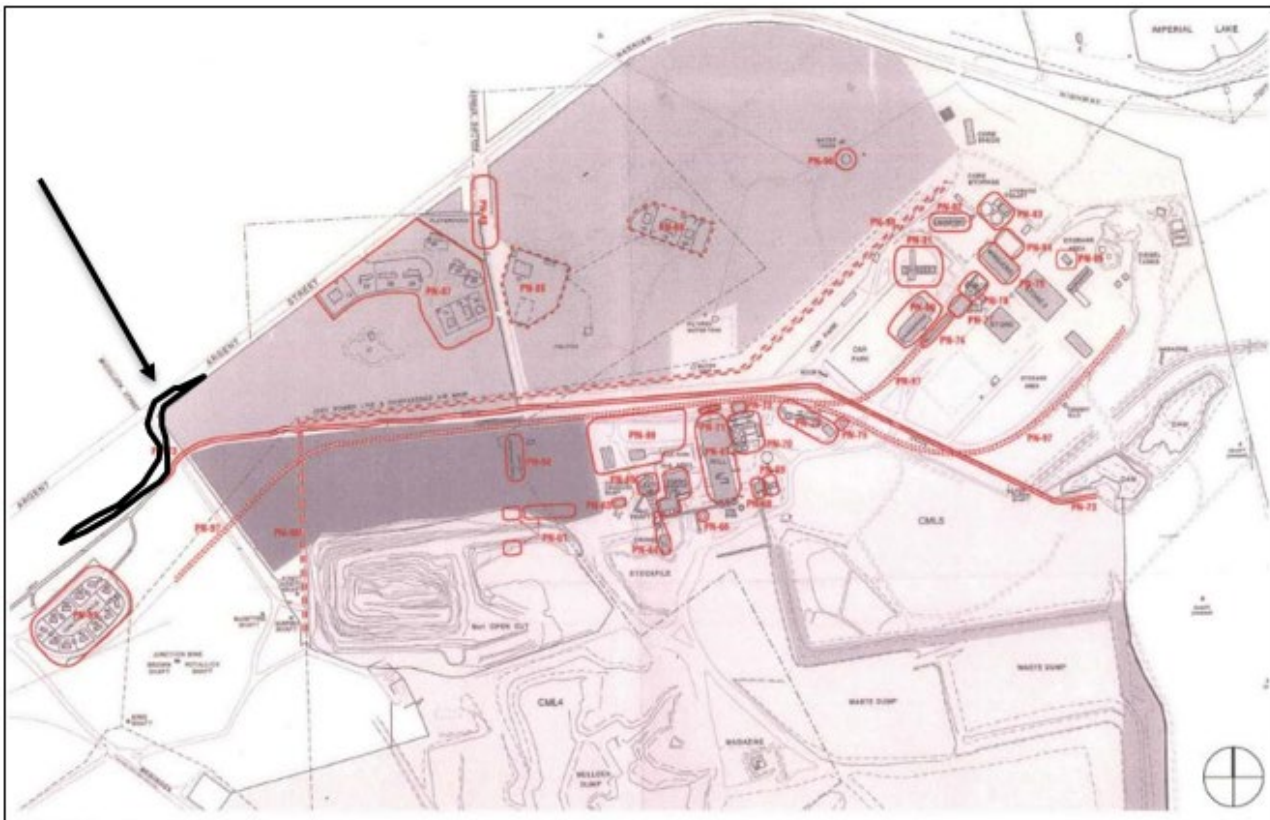


FIGURE 4-1 HERITAGE ITEMS NORTH LEASES, PERILYA MINE. THE APPROXIMATE LOCATION OF THE PROPOSED ACTIVITY AREA IS INDICATED IN BLACK (GML 2007: 77)



PHOTOGRAPH 4-1 VIEW SOUTH OF THE DRAINAGE CHANNEL TO THE SOUTH OF THE PROPOSED ACTIVITY AREAS (ERM 2023)



PHOTOGRAPH 4-2 VIEW SOUTH-EAST TOWARDS NORTH MINE OPEN CUT PIT AND STRUCTURES (ERM 2023)

4.2 ARCHAEOLOGICAL POTENTIAL OF THE PROPOSED ACTIVITY AREAS

Given the nature of the Proposed Activity Area, located within either historic mining leases or an active mine, the archaeological potential is low. The CMP for Perilya North and South Leases, prepared by GML in 2007, identifies areas of archaeological potential within the Mining Precinct 9 site. These were the No.1 Mill Foundations, No.1 Mill Tunnel and the site of Amalgamated Zinc buildings (labelled PN-61, PN-62 and PN-99, respectively in *Figure 4-1*) (GML, 2007: 68). None of these items are in close proximity to the Proposed Activity Area; they are located approximately 580 m, 590 m and 690 m from the Proposed Activity Area, respectively. Mining sites employ activities that are destructive to the landscape. If any archaeological resources are present within the Proposed Activity Area, they are unlikely to be present with good integrity.

As such, the Proposed Activity Area is considered to be of low historical archaeological sensitivity.

4.2.1 RESEARCH POTENTIAL

If historical archaeological resources are present in the Proposed Activity Area, they would most likely be insubstantial in nature. These resources have limited potential to provide a new understanding of the history of the local area that is not available from other sources. Therefore, any extant archaeological resources in the Proposed Activity Area would be unlikely to have archaeological research potential and would have little to no archaeological heritage significance.

5. SIGNIFICANCE ASSESSMENT

The following section presents an assessment of significance of the *Mining Precinct 9*, against NSW SHR Criteria as extracted from the current Conservation Management Plan (CMP) (GML 2007: 97-100). This assessment has been prepared in accordance with the NSW Heritage Manual (1996), published by the Heritage Office and Department of Urban Affairs and Planning, and associated supplementary publications.

5.1 ASSESSMENT OF HERITAGE SIGNIFICANCE AGAINST SHR CRITERIA

The heritage significance of the North Leases Area, Mining Precinct 9, has been assessed against NSW SHR Criteria in the CMP for Perilya North and South Leases (GML 2007: 97-100); additionally, the site was listed on the Broken Hill LEP 2013 in August 2013 (Item 310-341). The heritage values of Mining Precinct 9 meet the threshold for inclusion against Criterion (a), (b), (c), (f) and (g). The following *Table 5-1* provides a validation/update of the significance assessment contained in the 2007 CMP

TABLE 5-1 SUMMARY SIGNIFICANCE ASSESSMENT AGAINST SHR CRITERIA

NSW State Heritage Register Criteria	CMP Assessment (GML 2007)	ERM Validation/Update
<p>(a) <i>An item is important in the course, or pattern, of NSW's cultural or natural history (of the local area)</i></p>	<p>The North Mine is of importance in the history of Broken Hill for its longevity and production. The North Mine commenced as one of the smaller mines on the northern end of the Line of Lode. The involvement of WL Baillieu from 1904 resulted in the development of the mine itself to access deeper ore deposits and the leasing of land for Amalgamated Zinc to establish its zinc tailings treatment plant.</p> <p>North Broken Hill bought up mining leases to the south along the Line of Lode when falling yields and low mineral prices forced first the British Broken Hill, then the Junction, Junction North and finally Block 14 mines to close. North Broken Hill successfully worked these leases as well as developing a mine to the North-No. 2 Mine. The No. 2 Mine site was developed as a modern facility better suited to take ore from the Northern Leases and process it in a new mill. Later, ore from the other mines owned by North Broken Hill was trucked to No. 2 Mill.</p> <p>Amalgamated Zinc originally used one of the three main patents for froth flotation, the de Bavay process (which was operationalised by Herbert Gepp), but later changed to the Minerals Separation process in 1917. Amalgamated Zinc worked on the site from 1909 to 1924, by which time available zinc tailings were exhausted. The success of Amalgamated Zinc was an important phase of Broken Hill's history where the development of froth flotation technology for zinc tailings treatment allowed this valuable resource to be utilised.</p> <p>North Broken Hill pioneered the 'all flotation' treatment of ores at their mill at No. 1 Mine from 1930. This was the first use of this process in the world, and North Mine's results were studied and developed by other mines on the Line of Lode and elsewhere. The No.2 Mill was constructed using the 'all flotation' principal.</p> <p>In the 1950s another shaft was developed at No. 3 Mine which was to further develop the lode to the north. The infrastructure at this area was the last complete mine to be developed at Broken Hill and was designed with the input of the architects Stevenson and Turner.</p> <p>North Broken Hill, through its ownership by the Collins House Group, was important in developing an Australian based lead and zinc smelting industry through its investment purchase of shares in Broken Hill Associated Smelters and Electrolytic Zinc during World War I. This investment created an Australia wide lead and zinc processing industry which still provides employment and produces lead and zinc.</p> <p>Later, North Broken Hill was important in developing various mining and forestry ventures across Australia using the profits from its Broken Hill investment.</p> <p>Overall, the North Mine was historically important developing the north end of the Line of Lode and therefore keeping mining at Broken Hill going once the central mines had</p>	<p>ERM concurs with this assessment. This criterion is met.</p>

NSW State Heritage Register Criteria	CMP Assessment (GML 2007)	ERM Validation/Update
	worked out the Line of Lode in their leases. It is of significance to the history of Broken Hill and taking a broader view of significance to the history of mining in Australia.	
<p>(b) <i>an item has strong or special association with the life or works of a person, or group of persons, of importance in NSW's cultural or natural history (or the local area)</i></p>	<p>A characteristic of the Broken Hill mines was the number of individuals who worked at Broken Hill that went on to become prominent in the International and Australian mining industry. Prominent mine managers at the North Leases were Herbert Gepp, who later established the Electrolytic Zinc Plant at Risdon, and OH Woodward, who later became a Director of North Broken Hill and was a prominent member of the Australasian Institute of Mining and Metallurgy.</p> <p>The North Mine was particularly associated with the Collins House Group of entrepreneurs and financiers based in Melbourne and London who in effect owned the mine. The Collins House group are regarded as second only to BHP for their importance in developing Australia's mining industry. The members of the Collins House group that particularly were associated with the North Leases were WL Baillieu, MH Baillieu and ML Baillieu.</p> <p>The North Mine was also the site of the Amalgamated Zinc treatment plant established using the de Bavay treatment process, and so there is also a significant historical association with Auguste de Bavay, the distinguished inventor of the de Bavay froth flotation process and Fosters Lager.</p>	<p>ERM concurs with this assessment. This criterion is met.</p>
<p>(c) <i>an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area)</i></p>	<p>The development of the 'all flotation' mill process was a significant technological development on the North Leases; however, there is no evidence at the No. 1 Mine site, which is largely destroyed. The No. 2 Mill, constructed in 1939, used this process and evidence of the original process is identifiable in the mill structure. The mill itself is substantially intact and represents the peak of concentrating mill design on the North Mine.</p>	<p>ERM concurs with this assessment. This criterion is met.</p>
<p>(d) <i>an item has strong or special association with a particular community or cultural group in NSW for social, cultural or spiritual reasons (or the local area)</i></p>	<p>While no specific social values surveys have been undertaken, it is reasonable to assume that the North leases have associations with workers who worked on the site and their unions, and to engineering and other professionals who undertook training or work on the mine.</p>	<p>Whilst a social impact assessment has not been undertaken, it can be said that the item is unlikely to satisfy this criterion. This criterion is not met.</p>

NSW State Heritage Register Criteria	CMP Assessment (GML 2007)	ERM Validation/Update
<p>(e) <i>an item has potential to yield information that will contribute to an understanding of NSW's cultural or natural history (or the local area)</i></p>	<p>The main sites on the North Leases do not meet this criterion because their research potential is limited by removal of archaeological evidence through demolition and soil removal.</p>	<p>ERM concurs with this assessment. This criterion is not met.</p>
<p>(f) <i>an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the local area)</i></p>	<p>The size and completeness of No. 2 Mill is rare on mining sites in Australia and is rivalled only by the NBHC Mill (which is still active) at Broken Hill and possibly the concentrating mills at Mount Isa Mines and Mount Lyell.</p>	<p>ERM concurs with this assessment. This criterion is met.</p>
<p>(g) <i>an item is important in demonstrating the principal characteristics of a class of NSW's cultural or natural places or cultural or natural environments (or the local area)</i></p>	<p>The heritage items at No.2 Mine and No. 3 Mine are representative of mining surface infrastructure at Broken Hill as they contain examples of all the standard surface facilities used in the large mines at Broken Hill and on other large mining sties such as Mount Isa and Mount Lyell. Comparisons between the design and construction of the surface infrastructure at the North Mine also demonstrate the changes in mining attitudes and technology between the 1930s and the late 1950s, and between the South and the North Mines.</p>	<p>ERM concurs with this assessment. This criterion is met.</p>

5.2 STATEMENT OF SIGNIFICANCE

A historic heritage Statement of Significance is provided in the Perilya Mine CMP, the relevant excerpt reproduced below:

The importance of the North Mine in the history of Broken Hill mining is as one of the long-term mines on the Line of Lode. The North Mine initially began as one of the smaller mines on the northern end of the Line of Lode. Through the ongoing development of the mine to access deeper ore deposits at the northern end of the Line of Lode, and the reworking of the earlier leases formerly held by the British Broken Hill, the Junction, Junction North and Block 14 companies, the North Mine became one of the most important mines on the Line of Lode.

North Broken Hill, through its ownership by the Collins House Group, was important in developing an Australian based lead and zinc smelting industry. Purchase of shares in Broken Hill Associated Smelters and in Electrolytic Zinc during World War I by the North Mine helped create an integrated lead and zinc processing industry in Australia. Later, North Broken Hill was central to the development of various mining and forestry ventures across Australia which were funded by the profits from its Broken Hill mine.

The Amalgamated Zinc Company leased land from the North Mine to establish its zinc tailings treatment plant. Amalgamated Zinc was one of the seven zinc tailings treatment plants at Broken Hill which were all attempting to make the patented froth flotation process work. Although the de Bavay process was eventually abandoned, Amalgamated Zinc worked on the site from 1909 to 1924 when available zinc tailings were exhausted. The success of Amalgamated Zinc was an important phase of Broken Hill's history as the development of froth flotation technology for zinc tailings treatment allowed this valuable resource to be utilised.

Prominent mine managers associated with the North Leases were Herbert Gepp and OH Woodward. The members of the Collins House group that particularly were associated with the North Leases were WL Baillieu, MH Baillieu and ML Baillieu. The Significant association with Auguste de Bavay the distinguished inventor of the process de Bavay treatment process, is also noteworthy.

North Broken Hill pioneered the all flotation treatment of ores at the No.1 Mine from 1930. This was the first use of this process and was later adopted as standard throughout the world. The No. 2 Mill constructed in 1939 used this process and evidence of the original process is identifiable in the mill structure.

No. 2 Mill is substantially intact and represents the peak of concentrating mill design on the North Mine. The size and completeness of No. 2 Mill is rare on mining sites in Australia.

The heritage items at No. 2 Mine and No. 3 Mine are representative of mining surface infrastructure at Broken Hill, and comparisons between the design and construction of the infrastructure also demonstrates the changes in mining attitudes and technology between the 1930s and the late 1950s (GML 2007: 99-100).

6. ASSESSMENT OF HERITAGE IMPACT

This section provides an assessment of the potential impact of the works within the Proposed Activity Area to address obligations of the EPC Act and the NSW Heritage Act, using SIG 1.1, as well as *Guidelines for Preparing a Statement of Heritage Impact* (2023).

6.1 DESCRIPTION OF THE PROPOSED ACTION

The Proposed Action includes the construction of a temporary track running SW-NE connecting Sturt Street to the Barrier Highway (through Lot 5834 DP757298). The installation of hardstand material is also required where the truck and trailer wheels leave the existing road surface to make the required turn. Approximately 350 square metres of hardstand will be required within the heritage curtilage of *Mining Precinct 9* (Lot 7313 DP1185108), and 200 square metres of hardstand will be required within several residential lots on the Barrier Highway (Lots 2039 & 2040 DP757298, and Lots 1 & 2 DP951486).

The removal of five trees, and the relocation of a power pole, will be required to provide clearance for the large rear overhang of the blades. Three trees at the eastern end of Chettle Street are proposed to be removed, as well as two along the Barrier Highway.

The fence in the north-western area of the Broken Hill North Mine is proposed to be realigned to allow blades to pass through.

6.2 EPBC ACT OBLIGATIONS

SIG 1.1 outlines a 'self-assessment' to determine if an action has, will have, or is likely to have a significant impact on a matter of national environmental significance. It states an action is likely to have a significant impact on the National Heritage values of a National Heritage place if there is a real chance or possibility that it will cause:

- One or more of the National Heritage values to be lost;
- One or more of the National Heritage values to be degraded or damaged, or
- One or more of the National Heritage values to be notably altered, modified, obscured or diminished.

SIG 1.1 states an action would be considered significant if there is a real chance or possibility that the action will:

1. *permanently remove, destroy, damage or substantially alter the fabric of a National Heritage property;*
2. *extend, renovate, refurbish or substantially alter a National Heritage property in a manner which is inconsistent with relevant values;*
3. *permanently remove, destroy, damage or substantially disturb archaeological deposits or artefacts in a National Heritage property;*
4. *involve activities in a National Heritage property with substantial and/or long-term impacts on its values;*
5. *involve construction of buildings or other structures within, adjacent to, or within important sight lines of, a National Heritage property which are inconsistent with relevant values; and*

6. *make notable changes to the layout, spaces, form or species composition in a garden, landscape or setting of a National Heritage property which are inconsistent with relevant values.*

SIG 1.1 has been used to assist with the analysis of potential heritage impacts of the proposed actions to assets under assessment in this report and identify management and mitigation measures.

6.2.1 ASSESSMENT OF IMPACT – NATIONAL HERITAGE VALUES

To make a decision as to whether or not to refer an action to the Minister, the following questions identified in SIG 1.1 should be considered:

TABLE 6-1 ASSESSMENT OF IMPACT – SIG 1.1 QUESTIONS

SIG 1.1 Question	ERM Response
<p>1. <i>Are there any matters of national environmental significance located in the area of the proposed action (noting that 'the area of the proposed action' is broader than the immediate location where the action is undertaken; consider also whether there are any matters of national environmental significance adjacent to or downstream from the immediate location that may potentially be impacted)?</i></p>	<p>Yes. The Proposed Activity Area is located within the City of Broken Hill, which is listed for its National Heritage Values (NHL Place ID 105861).</p>
<p>2. <i>Considering the proposed action at its broadest scope (that is, considering all stages and components of the action, and all related activities and infrastructure), is there potential for impacts, including indirect impacts, on matters of national environmental significance?</i></p>	<p>No. There is Nil potential for impacts to Broken Hill's National Heritage Values.</p> <p>The five trees proposed for removal have not been identified as character trees within the NHL listing and are not known to hold contributory significance as part of this listing. The trees have also not been identified as avenue trees or significant street trees in the Broken Hill National Heritage Values Study (Paul Davies Architects and Heritage Consultants 2021: 143-146).</p>
<p>3. <i>Are there any proposed measures to avoid or reduce impacts on matters of national environmental significance (and if so, is the effectiveness of these measures certain enough to reduce the level of impact below the 'significant impact' threshold)?</i></p>	<p>While the trees proposed for removal at the Proposed Activity Area have not been found to contribute to the National Heritage values, they do provide some landscape value as established trees. To mitigate against any potential loss of landscape value and to soften the impact of their removal from the landscape, ENGIE should consult with the Broken Hill City Council on their preferred approach for tree replacement.</p>
<p>4. <i>Are any impacts of the proposed action on matters of national environmental significance likely to be significant impacts (important, notable, or of consequence, having regard to their context or intensity)?</i></p>	<p>No.</p>

6.2.2 STATEMENT OF HERITAGE IMPACT – NATIONAL HERITAGE VALUES

The works will not have a detrimental impact on the National Heritage values of the City of Broken Hill in its entirety. As such, the Proposed Action will not result in the identified National Heritage values of the City of Broken Hill being lost, degraded or damaged, or notably altered, modified, obscured or diminished.

A referral under the EPBC Act for a decision by the Minister for the Environment about the proposed works is not required.

6.3 NSW LEGISLATIVE OBLIGATIONS

6.3.1 ASSESSMENT OF HERITAGE IMPACT – LOCAL HERITAGE VALUES

The impacts of the Proposed Action on the local heritage values of the Mining Precinct 9 is assessed below, in accordance with Guidelines for Preparing a Statement of Heritage Impact (2023).

Will the proposed works result in adverse heritage impact? If so, how will this be avoided, minimised and mitigated?

The archaeological potential of the Proposed Activity Area has been assessed as low. The proposed works are unlikely to disturb archaeological deposits with good integrity. However, extensive ground disturbance for the construction of the temporary road or installation of hardstand should still be avoided where possible, especially within the heritage curtilage of *Mining Precinct 9*.

The Proposed Activity Area is partly located within an active mine, and as such, the construction of the temporary road and installation of hardstand will not have an impact on the visual amenity of the area or general heritage setting.

The proposed works will be limited to the Proposed Activity Area and will not have an adverse impact on the identified local heritage values of the *Mining Precinct 9*.

6.3.2 STATEMENT OF HERITAGE IMPACT – LOCAL HERITAGE VALUES

The Proposed Activity Area is partly located within an active mine, and as such, the construction of the temporary road and installation of hardstand will not have an impact on the visual amenity of the area or general heritage setting. The Proposed Activity Area is considered to be of low archaeological sensitivity and of little research value. Whilst the proposed works are unlikely to disturb archaeological deposits with good integrity, consideration should be given to minimise substantial excavation where possible.

The proposed works will have a negligible impact on local heritage values of the Mining Precinct 9 in its entirety.

7. CONCLUSION AND RECOMMENDATIONS

This assessment has identified that the Proposed Action will not have an adverse impact on the heritage values of the *Mining Precinct 9* or the *City of Broken Hill* in its entirety.

7.1 STATUTORY REQUIREMENTS

Overall, this assessment has found the Proposed Action will not result in the identified National Heritage values of the *City of Broken Hill* being lost, degraded or damaged or notably altered, modified, obscured or diminished. The Proposed Action should not have a significant impact on the heritage values of the National Heritage Place, and therefore, an EBPC Referral would not be required.

This assessment has also found that the Proposed Action at the Proposed Activity Area will not have an adverse effect or impact on the locally listed item *Mining Precinct 9*. The proposed works are consistent with the Section 139(4) Excavation Permit Exceptions, which state that an excavation permit under the *Heritage Act 1977* is not required for disturbance or excavation of land, provided the proposal is for *minor works or activities that have minimal impact on archaeological relics of local heritage significance*. The proposed works meet the following criteria provided in Clause 2 'Exceptions' of the NSW Government Gazette 59:

The following disturbance or excavation of land does not require an excavation permit under subsections 139(1) or (2) of the Heritage Act 1977 provided that it falls within one or more of the exceptions described at clauses 2(a) to (f) below, and is undertaken in compliance with the General Conditions prescribed at clause 3 further below:

(a) Any disturbance or excavation of land that has limited archaeological research potential, as demonstrated by a heritage management document, such as an Archaeological Assessment, completed within the last five years.

The use of exceptions under Section 139(4) is self-assessed and is based on the current understanding of the Project and Project's adherence to the management and mitigation as set out below. The Section 139(4) Exception Record of Use Form is appended to this report as Appendix A.

7.2 RECOMMENDED MANAGEMENT AND MITIGATION STRATEGIES

The following are key recommendations that aim to mitigate the impact of the Proposed Action on the identified heritage values of the National Heritage place *City of Broken Hill*, and the locally listed item *Mining Precinct 9*:

7.2.1 RECOMMENDATION 1 – AVOIDANCE OF EXTENSIVE GROUND DISTURBANCE

Extensive ground disturbance for the construction of the temporary road at the Proposed Activity Area and the installation of hardstand is to be avoided. If the proposed works extend outside of the area under assessment in this report, additional assessment may be required.

7.2.2 RECOMMENDATION 2 – HERITAGE INDUCTION

Prior to the commencement of works, all contractors should be briefed on the requirements of the EPBC Act, *Heritage Act 1977*, and the Unexpected Finds Protocol (outlined in *Section 7.2.3.1*).

7.2.3 RECOMMENDATION 3 – UNEXPECTED FINDS PROTOCOL

If relics are unexpectedly exposed, works should cease immediately. The management of relics should be in accordance with NSW Heritage guidelines and policies, as outlined in the Unexpected Finds Protocol (*Section 7.2.3.1*).

7.2.3.1 UNEXPECTED FINDS PROTOCOL

This SoHI has identified that the archaeological potential of the Proposed Activity Areas is low, and that this potential would be unlikely to have any research value. However, if relics are unexpectedly recovered during the proposed works, all works should cease immediately, and the Unexpected Finds Protocol should be followed. The following steps are provided below if unexpected heritage items are identified during the proposed works:

- Where a potential historic heritage item is found during works, all works within the vicinity of the item, or with the potential to impact the item should cease and a temporary exclusion zone established;
- An appropriately qualified heritage consultant should examine the item to assess its significance and further archaeological potential;
- Where a relic is found, the NSW Heritage Council should be notified (in accordance with Section 146 of the *Heritage Act 1977*) and approval will likely be required prior to the continuation of works. Other archaeological deposits should be recorded and assessed for significance and potential salvage by an appropriately qualified heritage consultant; and
- Depending on the nature of the discovery, additional assessment and approval under the *Heritage Act 1977* may be required prior to the recommencement of excavation in the affected area.

7.2.4 RECOMMENDATION 4 – REHABILITATION OF ACTIVITY AREAS

Following the completion of the turbine component deliveries for the construction of the Project, the Proposed Activity Area should be rehabilitated; including the removal of gravel for temporary tracks, re-spreading the topsoil, and reinstating any fencing that was impacted by the works.

7.2.5 RECOMMENDATION 5 – REPLACEMENT OF REMOVED TREES

While the trees proposed for removal at the Proposed Activity Area have not been found to contribute to the National Heritage values of the *City of Broken Hill*, they do provide some landscape value as established trees. To mitigate against any potential loss of landscape value and to soften the impact of their removal from the landscape, ENGIE should consult with the Broken Hill City Council on their preferred approach for tree replacement.

8. REFERENCES

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STATEMENT OF LIMITATIONS

This report is based solely on the scope of work described in *Section 1.4 (Scope of Work)* and performed by Environmental Resources Management Australia Pty Ltd (ERM) as commissioned by ENGIE Australia and New Zealand (the Client). The Scope of Work was governed by a contract between ERM and the Client (Contract).

No limitation, qualification or caveat set out below is intended to derogate from the rights and obligations of ERM and the Client under the Contract.

The findings of this report are solely based on, and the information provided in this report is strictly limited to that required by the Scope of Work. Except to the extent stated otherwise, in preparing this report ERM has not considered any question, nor provides any information, beyond that required by the Scope of Work.

This report was prepared in March 2024 and is based on conditions encountered and information reviewed at the time of preparation. The report does not, and cannot, take into account changes in law, factual circumstances, applicable regulatory instruments or any other future matter. ERM does not, and will not, provide any on-going advice on the impact of any future matters unless it has agreed with the Client to amend the Scope of Work or has entered into a new engagement to provide a further report.

Unless this report expressly states to the contrary, ERM's Scope of Work was limited strictly to identifying typical environmental conditions associated with the subject site(s) and does not evaluate the condition of any structure on the subject site nor any other issues. Although normal standards of professional practice have been applied, the absence of any identified hazardous or toxic materials or any identified impacted soil or groundwater on the site(s) should not be interpreted as a guarantee that such materials or impacts do not exist.

This report is based on information provided by the Client or third parties (including regulatory agencies). All conclusions and recommendations made in the report are the professional opinions of the ERM personnel involved. Whilst normal checking of data accuracy was undertaken, except to the extent expressly set out in this report, ERM:

- Did not, nor was able to, make further enquiries to assess the reliability of the information or independently verify information provided by; and
- Assumes no responsibility or liability for errors in data obtained from the Client, any third parties or external sources (including regulatory agencies).

Although the data that has been used in compiling this report is generally based on actual circumstances, if the report refers to hypothetical examples those examples may, or may not, represent actual existing circumstances.

Only the environmental conditions and or potential contaminants specifically referred to in this report have been considered. To the extent permitted by law and except as is specifically stated in this report, ERM makes no warranty or representation about:

- The suitability of the site(s) for any purpose or the permissibility of any use;
- The presence, absence or otherwise of any environmental conditions or contaminants at the site(s) or elsewhere; or

- The presence, absence or otherwise of asbestos, asbestos containing materials or any hazardous materials on the site(s); and
- Use of the site for any purpose may require planning and other approvals and, in some cases, environmental regulator and accredited site auditor approvals. ERM offers no opinion as to the likelihood of obtaining any such approvals, or the conditions and obligations which such approvals may impose, which may include the requirement for additional environment works.

The ongoing use of the site or use of the site for a different purpose may require the management of or remediation of site conditions, such as contamination and other conditions, including but not limited to conditions referred to in this report.

This report should be read in full and no excerpts are to be taken as representative of the whole report. No responsibility or liability is accepted by ERM for use of any part of this report in any other context.

Except to the extent that ERM has agreed otherwise with the Client in the Scope of Work or the Contract, this report:

- Has been prepared and is intended only for the exclusive use of the Client;
- Must not to be relied upon or used by any other party;
- Has not been prepared nor is intended for the purpose of advertising, sales, promoting or endorsing any Client interests including raising investment capital, recommending investment decisions, or other publicity purposes;
- Does not purport to recommend or induce a decision to make (or not make) any purchase, disposal, investment, divestment, financial commitment or otherwise in or in relation to the site(s); and
- Does not purport to provide, nor should be construed as, legal advice.



APPENDIX A

SECTION 139 (4) EXCEPTION RECORD
OF USE FORM



Section 139(4) Exception Record of Use Form

Instructions

This template is a tool that may be used to assist you when recording the use of exceptions under section 139(4) of the *Heritage Act 1977*. You should retain a copy of the completed form and any other relevant information for your records and to comply with the general conditions of use for exceptions. Some fields may not be necessary or relevant each time.

This form should **not** be used for items listed on the State Heritage Register.

Important note

Use of exceptions under section 139(4) is self-assessed. In completing this form, you acknowledge that:

- you have read the specific conditions of the exceptions to subsections 139(1) and (2) of the *Heritage Act 1977* and any relevant associated guidelines (noting that the guidelines may specify documentation or record-keeping requirements other than this record of use)
- this record is not for assessment purposes
- this record does not represent an endorsement from the Heritage Council for the work or use of the exception
- this form may be requested as part of an audit or compliance investigation
- this form cannot be relied on as a defence to prosecution.

Affected relic

Name of relic:

Location of relic (either street address, coordinates, or survey data. Attach a map):

Local Government Area relic is in: Choose an item.

Local Environmental Plan item number (if applicable):

Description of relics:

(Include at a minimum what the relic may be and the location).

Significance

(Include a statement of significance, including confirmation of local significance).

Relevant exception

Exception (only one exception should be relevant for each project)		Check
2a)	Any disturbance or excavation of land that has limited archaeological research potential, as demonstrated by a heritage management document, such as an Archaeological Assessment, completed within the last five years.	<input type="checkbox"/>
2b)	Any disturbance or excavation of land that constitutes minor works involving limited impact to relics of local heritage significance, in accordance with 'Relics of local heritage significance: a guide for minor works with limited impact' published by Heritage NSW.	<input type="checkbox"/>
2c)	Any disturbance or excavation of land that constitutes minor works involving limited impact to relics of local heritage significance as demonstrated by a heritage management document, such as an Archaeological Assessment, completed within the last five years.	<input type="checkbox"/>
2d)	Any disturbance or excavation of land for archaeological test excavation of relics of local heritage significance completed in accordance with the guideline 'Relics of local heritage significance: a guide for archaeological test excavation' published by Heritage NSW.	<input type="checkbox"/>
2e)	Any disturbance or excavation of land for archaeological monitoring of relics of local heritage significance completed in accordance with the guideline 'Relics of local heritage significance: a guide for archaeological monitoring' published by Heritage NSW.	
2f)	Any disturbance or excavation of land:	<input type="checkbox"/>
	i) for the purpose of exposing underground utility services infrastructure which occurs within an existing service trench and will not affect any other relics;	<input type="checkbox"/>
	ii) to carry out inspections or emergency maintenance or repair on underground utility services with due care taken to avoid effects on any other relics;	<input type="checkbox"/>
	iii) to maintain, repair, or replace underground utility services to buildings which will not affect any other relics;	<input type="checkbox"/>
	iv) to maintain or repair the foundations of an existing building which will not affect any associated relics; or	<input type="checkbox"/>
	v) to expose survey marks for use in conducting a land survey.	<input type="checkbox"/>

Activity/works proposal

Description of works:

(Include at a minimum what the activity/work is, how it will be carried out, what parts of the relic it affects. These exceptions **do not** apply to relics of State heritage significance or to any relic that is State Heritage Register listed or subject to an interim heritage order.).

Section 139(4) Exception record of use

Was professional advice sought to use the exception (even if it was not required by the guidelines)?

Yes: No:

If yes to either of the above questions on professional advice, complete the table below (add additional rows if required):

Name of company/person	Date of advice	Title of any advice document (attach the document to this record)

Cost of works:

\$

Start date:

Click or tap to enter a date.

Completion date:

Click or tap to enter a date.

Heritage controls: What measures were put in place to minimise or avoid impact from the activity/ work to relics?

Contact information

Name	<input type="text"/>
Role/organisation	<input type="text"/>
Postal Address:	<input type="text"/>
Email:	<input type="text"/>
Phone number:	<input type="text"/>

Relics landowner (if different to project manager)

Attachments:

Document Title	Author	Date

(List the names of any other documents or files that were used, in addition to this form).



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