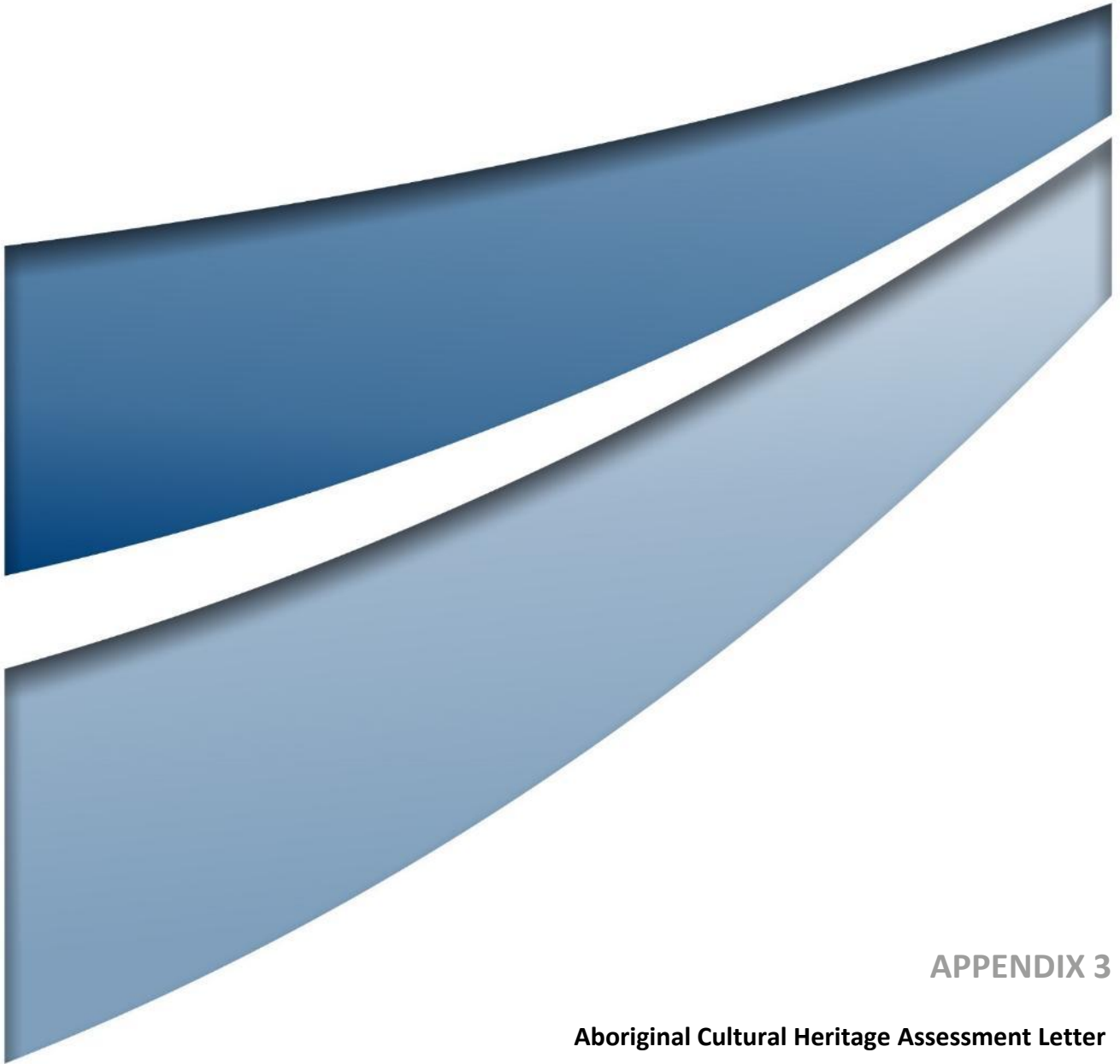




APPENDIX 3

Aboriginal Cultural Heritage Assessment Letter



Inspired People.
Dedicated Team.
Quality Outcomes.

Our Ref: 30192_R03_Heritage NSW_20250512_ltr

12 May 2025

Heritage NSW

E| heritagemailbox@environment.nsw.gov.au

Dear Heritage NSW

**RE: Response to Heritage NSW Request for Additional Information
Regarding Aboriginal Cultural Heritage Assessment for Gundry
Solar Farm: SSD-48225958**

1.0 Introduction

Umwelt on behalf of Lightsource bp has prepared this letter in response to a request for additional information from Heritage NSW (dated 12 December 2024 – HMS ID7914) in relation to the Aboriginal Cultural Heritage Assessment (ACHA) prepared for the proposed Gundry Solar Farm (SSD-48225958) (the Project) near Goulburn, NSW. The ACHA was prepared by Umwelt (dated 26 July 2024) to inform the Project Environmental Impact Statement (EIS) (Umwelt, 2024).

The EIS, including the ACHA, was placed on public exhibition from 15 November to 12 December 2024. A submission was received from Heritage NSW on the ACHA.

This letter aims to address the issues raised by Heritage NSW in Attachment A of their submission dated 12 December 2024. Extracts of the Heritage NSW submission, followed by responses are set out in Section 2.0.

Based on the responses, this letter outlines additional proposed investigation and management measures that would be incorporated into an Aboriginal Cultural Heritage Management Plan (ACHMP) following Project approval.

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2.0 Response to Heritage NSW Submission

2.1 Item 1 – Assessment of Aboriginal Sites and Understanding of Cumulative Impacts

Heritage NSW Advice: Assessment of Aboriginal Sites and Understanding of Cumulative Impacts

1. *Based on the results of the test excavations, the ACHAR predicts that there are further areas of archaeological sensitivity within the Project Area, "predominately along similar broad spurs within 200 m of the perennial tributary to Bullamalito Creek" (Section 5.6). The ACHAR goes on to state that these areas likely contain deposits that "would be lesser than or equal in significance to the primary subsurface artefact concentrations found at GSF-UMW-9 and GSF-UMW-6, and therefore are likely to range from low to moderate significance" (Section 7.3). This indicates that unidentified Aboriginal site/s of moderate significance may be subject to unmitigated impacts, with the only 'mitigation' being that the two known sites of moderate significance will be subject to salvage excavation.*
2. *Heritage NSW does not support unmitigated impacts to Aboriginal sites of moderate significance. Without adequate and complete assessment to establish the cultural significance (in this instance the identification and assessment of areas predicted to contain deposits of potentially moderate significance), it cannot be demonstrated that more places which may further enhance the significance of the known Aboriginal cultural heritage in the area will not be found. Further information is required regarding these "further areas of archaeological sensitivity" to ensure that all cultural values are properly assessed and managed. Specifically additional information is required to better understand and quantify the extent of harm on Aboriginal objects and values (including cumulative impacts) from the proposed development and determine whether the proposed management strategies are appropriate for the scale of impacts.*
3. *The following is requested to address this matter:*
 - a. *Please provide additional mapping to illustrate where these additional areas of archaeological sensitivity, which potentially contain archaeological deposits of moderate significance, occur within the Project area based on updated understandings of the archaeological potential of the Project area.*
 - b. *Please clarify whether these areas should be treated as Potential Archaeological Deposits (PAD) and be registered on the Aboriginal Heritage Information Management System (AHIMS) in accordance with Section 89A of the National Parks and Wildlife Act 1974.*
 - c. *To ensure certainty in evaluating the level of harm associated with the project, Heritage NSW requests further information on whether harm to these areas of archaeological sensitivity will be avoided. This information should be provided at the Response to Submissions (RTS) stage and should include information on how harm will be avoided or further detail on how this harm will be mitigated. Where warranted, please include provision for further archaeological investigation of these areas (including test and salvage excavation as required).*

Heritage NSW does not support unmitigated impacts to Aboriginal sites of moderate significance. Without adequate and complete assessment to establish the cultural significance (in this instance the identification and assessment of areas predicted to contain deposits of potentially moderate significance), it cannot be demonstrated that more places which may further enhance the significance of the known Aboriginal cultural heritage in the area will not be found. Further information is required regarding these "further areas of archaeological sensitivity" to ensure that all cultural values are properly assessed and managed. Specifically additional information is required to better understand and quantify the extent of harm on Aboriginal objects and values (including cumulative impacts) from the proposed development and determine whether the proposed management strategies are appropriate for the scale of impacts.

Response

Umwelt acknowledges Heritage NSW's position about not supporting unmitigated impacts to Aboriginal sites of moderate significance. Before setting out the proposed amended measures, we would firstly like to provide the rationale behind the ACHA's original mitigation provisions.

In heritage practice, there are inherent complexities in site boundary definitions that makes any true definition of a site's extent (e.g. a boundary drawn on a map) problematic, for example, establishing where one 'site' truly ends, and the next begins. To fit into a practical framework of cultural heritage resource management, archaeological codes of practice require often arbitrary site extent definitions to be made (e.g. site extents can be defined by drawing a circle around the extent of observed material). This often results in multiple 'site' registrations across a broader archaeological landscape feature that may or may not reflect true Aboriginal occupation or activity areas.

In consideration of the argument above, we propose that any impact mitigation strategy for developments of a certain size (e.g. those that extend across a broader landform pattern) can only reasonably aim to gather a good representative sample of the most sensitive landform elements across a broader archaeological landscape. The principle of identifying areas of archaeological sensitivity in Section 5.6 of the ACHA was partly undertaken to acknowledge that there is inherently potential for Aboriginal objects to occur outside of mapped site boundaries, but those objects/deposits are likely to be of a similar nature to those established through test excavation, and therefore are arguably part of the same archaeological landscape feature of broad spurs adjacent to the nearby watercourse. As such, the ACHA considered it appropriate to gather a good representative sample of the archaeological landscape by proposing salvage for established areas of deposit identified during the ACHA through test excavation. We acknowledge that our current definitions areas of sensitivity give the impression that these different broad spurs should be considered different 'sites'. They could also validly be classified as one site/archaeological landscape feature which we have appropriately sampled through test excavation.

Notwithstanding the above, below is more information on the potential cumulative impact of the Project development footprint on the local archaeological resource. The Project ACHA concludes that archaeological evidence of focused Aboriginal camping activities is most likely to occur on elevated (i.e. above watercourse channels and low-lying floodplains), level to gently inclined landforms adjacent to reliable water and with good outlook over the broader valley. These landscape features are present in the Project Area as broad spurs within 200 m of the perennial tributary to Bullamalito Creek. The 200 m watercourse distinction is reflective of surface artefact expressions and subsurface deposits being concentrated within this distance, which also agrees with generally established models of archaeological sensitivity such as those used in due diligence codes of practice.

To address Item 1(a), Umwelt has prepared archaeological sensitivity mapping to reflect the areas of sensitivity previously only described by text. These areas are shown in **Figure 2.1**. These areas reflect crest/spur landforms that are within 200 m of the perennial tributary to Bullamalito Creek and have a slope gradient of less than or equal to 9% (i.e. landforms classed as level to gently inclined).

In response to Item 1 (b), The areas will be registered on AHIMS after they are verified for the presence of Aboriginal objects in accordance with Section 89A of the NSW *National Parks and Wildlife Act 1974*.

In response to Item 1 (c), the Project development footprint will impact parts of the areas of archaeological sensitivity as illustrated by **Figure 2.1**, which are predicted to be of low to moderate archaeological significance. Avoidance of these areas is not feasible (refer to our response to Item 2 below for rationale behind avoidance vs mitigation) and therefore we propose further archaeological excavation under an Aboriginal Cultural Heritage Management Plan (ACHMP) to verify predictions of sensitivity followed by mitigation if required.

FIGURE 2.1

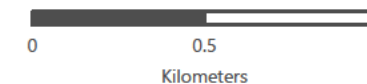
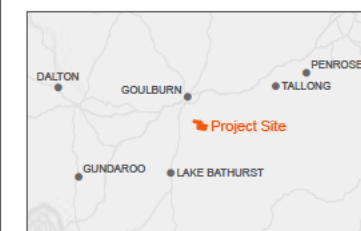
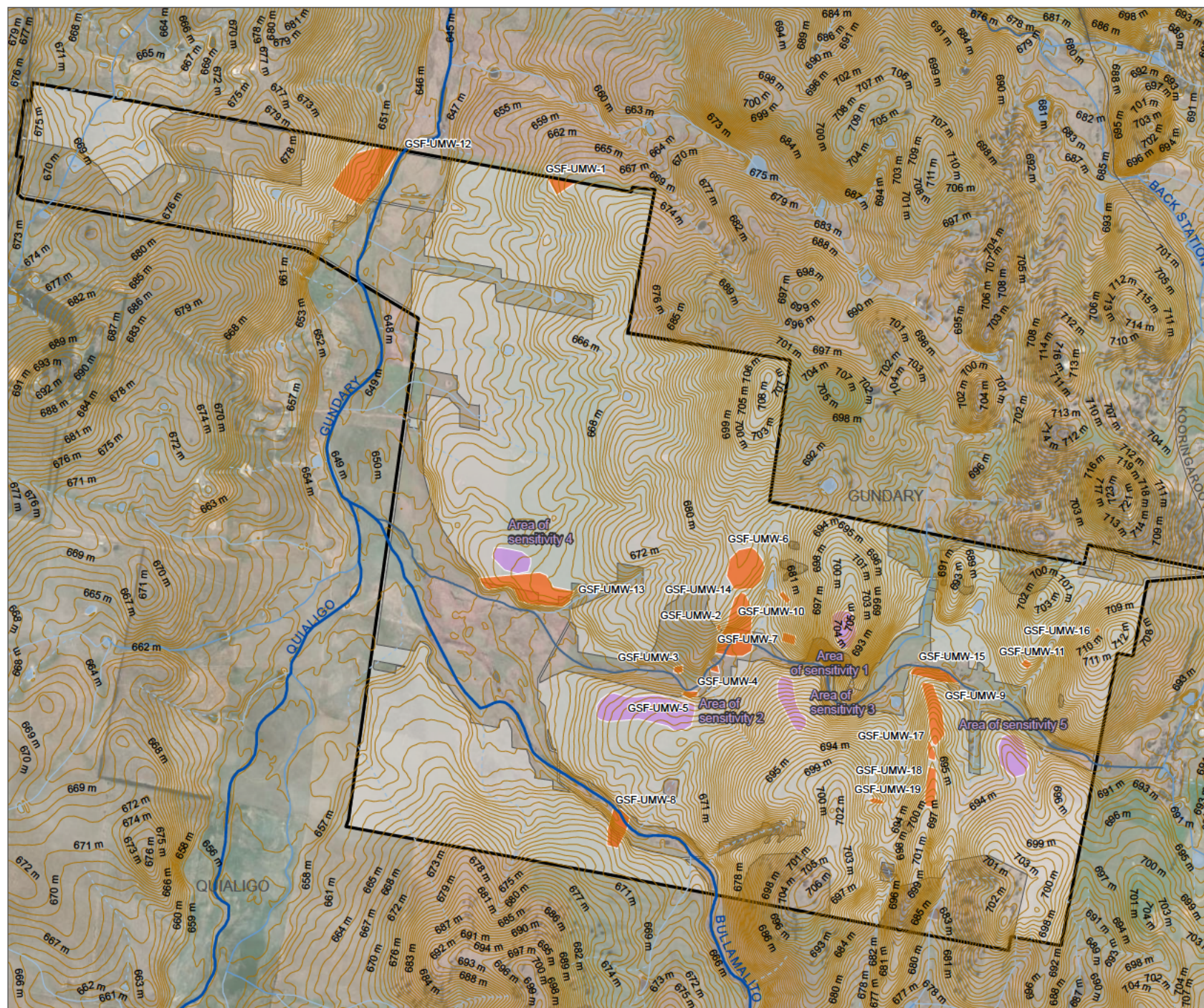
Development Footprint, Known Archaeological Sites and Areas of Archaeological Sensitivity

Legend

- Road
- Contours (1m)
- ▭ Project Area
- Waterbody
- All Archaeological Sites in Project Area
- Areas of Archaeological Sensitivity
- Development Footprint

Strahler Stream Order

- 1st Order Stream
- 2nd Order Stream
- 3rd Order Stream
- 4th Order Stream
- 5th Order Stream or Higher



Scale: 1:0 at A4
GDA2020 MGA Zone 55

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Detail regarding the scope and methods for further excavation within archaeologically sensitive areas will be established in an ACHMP Plan which will be developed in consultation with RAPs and Heritage NSW as outlined in Section 8.1.2 of the ACHA (Umwelt 2024). The proposed investigation will generally follow the Staged Archaeological Excavation method outlined in Section 8.1.1.3 of the ACHA. This will involve an investigative phase (Phase 1) involving further test pitting within the areas of sensitivity to establish the presence, distribution, artefact densities and significance of archaeological deposits. The requirement for salvage excavation (Phase 2) will only be determined based on the results of Phase 1 excavation. The ACHMP will establish thresholds that trigger the requirement for salvage excavation and will establish maximum extents of salvage to guide the potential scope of mitigation required for the Project in these areas. Further investigation may conclude sites GSF-UMW-9 and GSF-UMW-6 remain the most suitable locations salvage measures within the Project Area. The post-excavation analysis, reporting, storage and management of recovered Aboriginal objects will follow the provisions outlined in Section 8.1.1.3 of the ACHA which may be further detailed in the ACHMP.

2.2 Item 2 – Consideration of Potential for Avoidance/Conservation

Heritage NSW Advice: Consideration of Potential for Avoidance/Conservation

2. *Please provide additional information which demonstrates adequate consideration has been given to options which would allow for the Aboriginal sites of moderate significance (including GSF- UMW-6 and GSF-UMW-9) to be conserved. Such discussions should be had with Registered Aboriginal Parties (RAPs) and the Proponent. These discussions must be documented in the response, noting that Heritage NSW supports the conservation and protection of Aboriginal cultural heritage values and highly recommends that all reasonable and feasible efforts should be made to avoid impacting on Aboriginal cultural heritage wherever feasible.*

Response

The measures to minimise harm are outlined in Section 7.2 of the ACHA. Further information and justification for the Project development footprint is below, noting the setbacks employed around the watercourses will result in three sites being entirely avoided/conserved and seven sites subject to partial impact (refer to Section 7.1 of the ACHA).

It is further important to note that Lightsource bp has adopted the mitigation hierarchy approach of avoid, minimise, mitigation and offset in order of priority. This has been applied to the Project design during each stage of the iterative design process, including from Project inception, through Project scoping and the development of the EIS, including the ACHA.

As a result, the conceptual layout for the Project has been subject to ongoing refinement with the aim of avoiding and minimising associated environmental, cultural and social impacts. To view how the Project design has considered the key environmental constraints identified during the early design and detailed assessment phases, refer to Figure 2.2 for a constraints map overlain with the Project's Development Footprint.

FIGURE 2.2

Constraints Map

Legend

- Project Area
- Development Footprint
- 10 m Contours
- P Existing Transmission Line

Strahler Stream Ordering

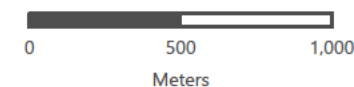
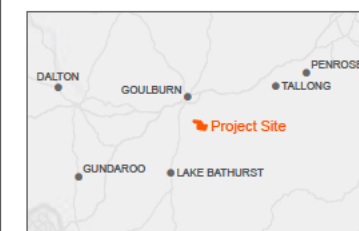
- 1
- 2
- 3
- 4
- ≥ 5

Ecological Constraint

- High
- Moderate

Depth of Predicted Flood Water (m) (1% AEP)

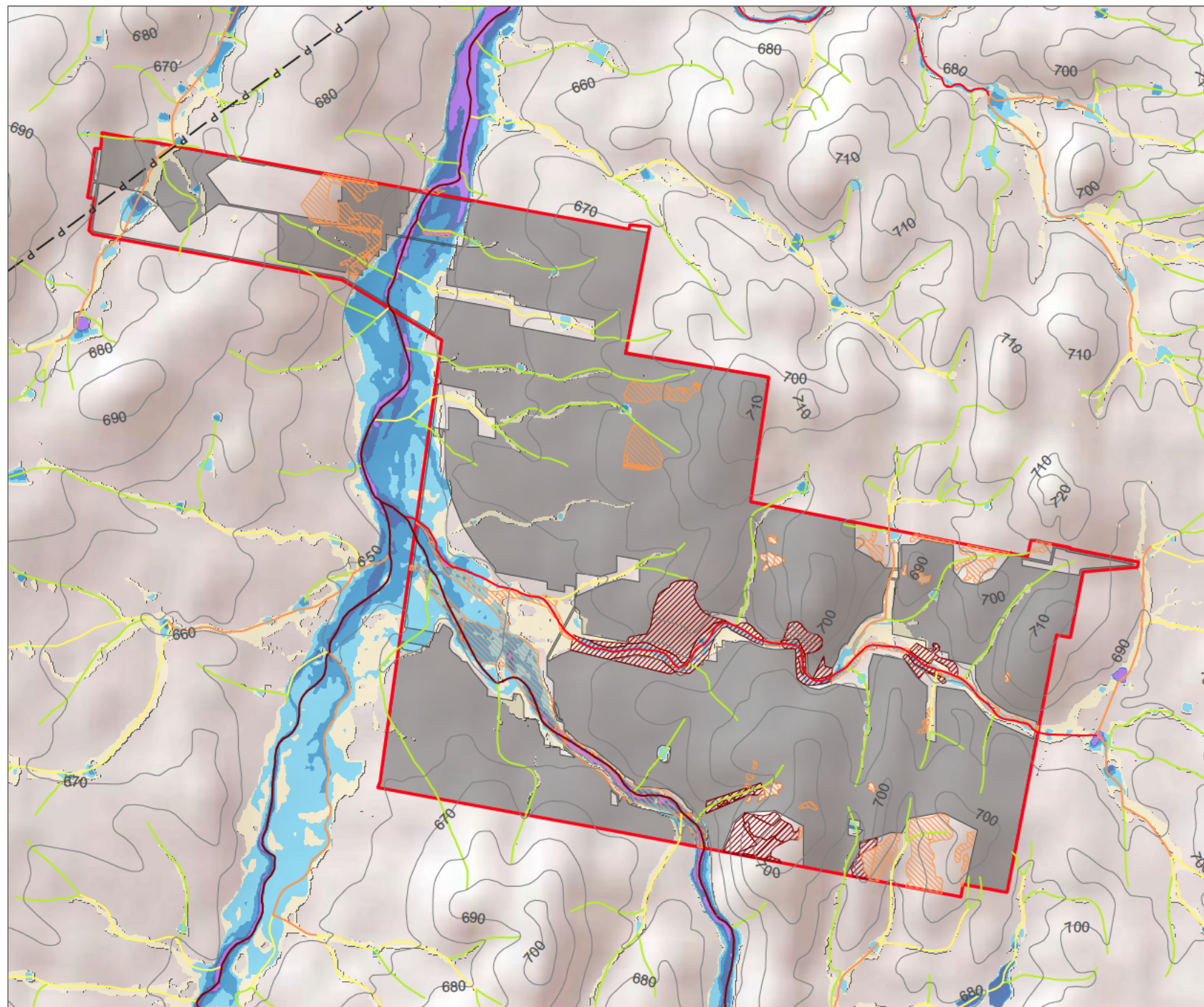
- < 0.5
- 0.5 - 1.0
- 1.0 - 1.5
- 1.5 - 2.0
- > 2.0



Scale: 1:0 at A4
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As shown in **Figure 2.2**, the Development Footprint for the Project has been established in consideration of the key environmental, cultural and social constraints in the immediate vicinity of the Project, including:

- Avoidance of Gundry Creek and Bullamalito Creek traversing through the Project Area.
- Avoidance of high-quality biodiversity values (such as Threatened Ecological Communities (TECs) and habitat for threatened species).
- Avoidance of high flood risk areas.
- Incorporating buffer distances of approximately 20 m to 40 m around second order and higher creek lines.
- Reducing amenity impacts (including visual and noise) to the nearest sensitive receivers.
- Minimising impacts to areas of Aboriginal heritage significance, noting that in exposures there are consistent expressions of stone artefacts along watercourse corridors that are being avoided.
- Minimising the requirement for new waterway crossings.

The Project, as presented and assessed in the ACHA, is the result of almost three years of detailed and iterative work that has substantially avoided significant areas of biodiversity, flooding, waterways including key Aboriginal landscape features, and reduced amenity impacts for sensitive receivers. Mitigation measures have been incorporated into the Project design and layout where residual impacts were unavoidable.

Section 2.0 of the ACHA outlines the feedback received by RAPs during various stages of the ACHA. For example, Table 2.3 of the ACHA summarises the feedback received by RAPs during fieldwork, whereby Umwelt archaeologist Lara Donohoe held discussions on the final day of excavations 5 May 2023¹ to discuss management options for the Aboriginal sites identified. As outlined in Table 2.3 of the ACHA, the site officers expressed their desire to undertake salvage at GSF-UMW-6 and GSF-UMW-9 as opposed to seeking conservation. This was with the understanding that other sites, particularly those along the watercourses would be partially or completely avoided. This is based on the understanding that the community has the desire to better understand their cultural heritage in an area that is not well known to them from an archaeological perspective, along with providing an opportunity to reconnect with Country. These sentiments were reiterated in Table 2.4 of the ACHA, whereby a common theme of feedback was to ensure that the nominated salvage program (i.e. salvage as mitigation for at GSF-UMW-6 and GSF-UMW-9) was implemented as part of the ACHA recommendations.

We understand why the feedback received from local Aboriginal community has expressed their desire to learn more about their cultural heritage in Gundry through further archaeological investigation for this project. Currently, more distant regional models of the wider Southern Tablelands (such as those from major quarries in the Marulan area) are relied upon to make key predictions about cultural heritage values and that local nuances can be explored further. Considering this, we propose that the mitigation through archaeological excavation can have residual benefits by contributing to our knowledge about the relatively unknown local archaeological record.

¹ Note that the ACHA incorrectly listed this date as 23 May, which is an error.

2.3 Item 3 – AHIMS Data

Heritage NSW Advice: AHIMS Data

1. *In addition to providing the date of any searches of the Aboriginal Heritage Information Management System (AHIMS), the AHIMS client service number must also be referenced as per Requirement 1b of the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (Code of Practice; DECCW 2010). Please provide the AHIMS client service number for the additional searches completed in 2023 and 2024 and/or include the results of these additional searches in Appendix B.*

Response

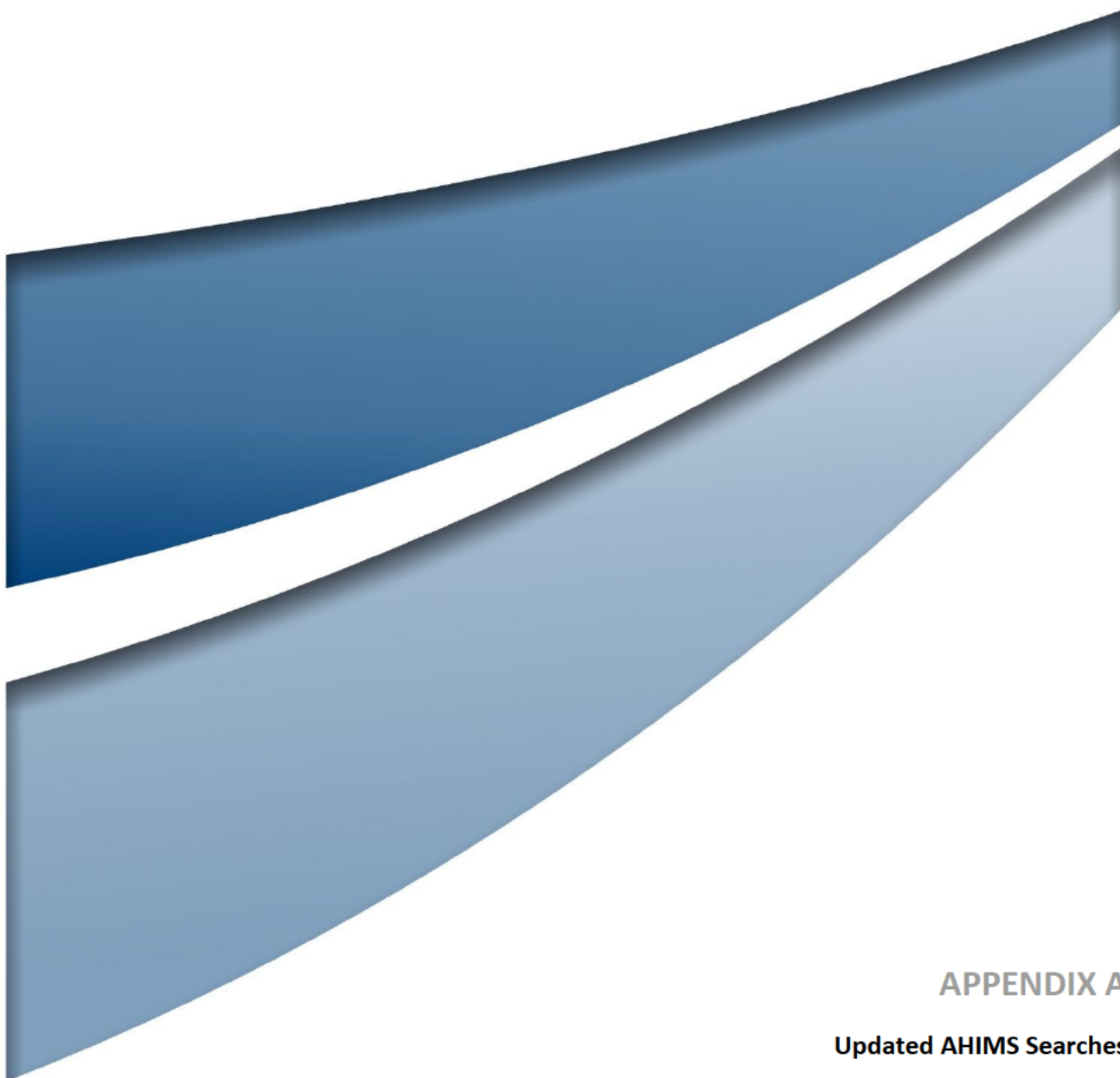
Umwelt acknowledges the omission of the updated AHIMS search results from Appendix B of the ACHA. These are included as **Appendix A** of this letter.

We trust this information meets with your current requirements. Please do not hesitate to contact the undersigned on 1300 793 267 should you require clarification or further information.

Yours sincerely,



Ryan Desic
Principal Archaeologist



APPENDIX A

Updated AHIMS Searches

