

Our ref: HMS ID 14347

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Advice on Modification Report – State Significant Development

Proposal: Liverpool Range Wind Farm

Major Project reference: SSD-6696-Mod-3

Received: 13 April 2026

Dear Emma-Rose,

Thank you for your referral seeking advice on the above State Significant Development proposal.

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

- Relevant sections of the Modification Report: Liverpool Range Wind Farm – Modification 3 – prepared by Umwelt (Australia) Pty Limited, dated March 2026
- Appendix F: Aboriginal Cultural Heritage Assessment Report – Liverpool Range Wind Farm Mod-3 Application – prepared by Umwelt (Australia) Pty Limited, dated April 2026
- Relevant sections of Appendix M: Consent Conditions to be Modified – prepared by Umwelt (Australia) Pty Limited

Heritage NSW understands that the modification includes design refinements to improve constructability and formalise connection to the Central-West Orana Renewable Energy Zone, including a reduction in turbine numbers and the removal of the approved External Transmission Line to Ulan. An Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared to assess the potential impacts of the modification on Aboriginal heritage. The ACHAR concludes that the proposed design refinements would result in an overall improvement in heritage outcomes, including avoidance of 22 Aboriginal sites or areas of archaeological sensitivity previously affected by the approved layout.

Notwithstanding this, the ACHAR identifies that 33 Aboriginal heritage sites remain within the modified development footprint with the potential to be impacted, including nineteen (19) areas of Potential Archaeological Deposits (PADs), seven (7) open artefact sites, five (5) culturally modified

trees, and two (2) grinding groove sites with associated PAD. Potential impacts to Aboriginal heritage are proposed to be managed through ongoing micro-siting refinement, targeted archaeological testing, salvage where impacts cannot be avoided, and continued consultation with Registered Aboriginal Parties (RAPs), consistent with statutory requirements and existing heritage management conditions under the current consent.

While Heritage NSW acknowledges and supports the applicant's commitment to avoid 22 Aboriginal sites or areas of archaeological sensitivity, additional information and clarification are required to inform Heritage NSW's advice to the Department of Planning Housing and Infrastructure (DPHI) on the remaining impacts to Aboriginal cultural heritage and the adequacy of proposed management measures. Specifically, further information is required to address gaps and inconsistencies in the assessment of Aboriginal sites, the significance assessment, and the consideration of avoidance options and/or justification for the proposed impacts, particularly in relation to culturally modified trees. Accordingly, Heritage NSW recommends that DPHI require the applicant address the matters outlined in **Attachment A** prior to determination of the modification.

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

Yours sincerely,

Alison Lamond

Alison Lamond
A/Strategic Manager – Major Projects
Heritage NSW
Department of Climate Change, Energy, the Environment and Water
As Delegate under *National Parks and Wildlife Act 1974*
30 April 2026

Attachment A – Aboriginal cultural heritage advice on SSD-6696-Mod-3

Proposed impacts to culturally modified trees

1. Notwithstanding the project's stated commitment to avoid 22 Aboriginal sites and/or areas of archaeological sensitivity, the proposed modification would directly impact five (5) culturally modified trees assessed as being of high archaeological significance, including two currently approved for avoidance under the existing consent (Collieblue [AHIMS 28-6-0022] and LRWF ST 3 [AHIMS 36-3-4173]). The ACHAR acknowledges that impacts to these sites would represent 19.2% of the extant culturally modified tree resource within the AHIMS search area, representing a significant regional impact (pg.182), yet then concludes that salvage/removal is "an appropriate management option" (pg.188). Heritage NSW considers this position to be inconsistent with the RAP consultation outcomes reported in Section 7.1, which identify culturally modified trees as particularly significant and requiring protection, and with the statutory objectives established under the *National Parks and Wildlife Act 1974* and the *Environmental Planning and Assessment Act 1979*, which prioritise avoidance of harm to highly significant Aboriginal objects. In the absence of a documented avoidance options analysis, it is unclear whether all reasonable and feasible avoidance measures have been exhausted or whether salvage is justified. To address this, Heritage NSW requests that:
 - a. All culturally modified trees proposed for impact be subject to further inspection and assessment to confirm whether scarring is cultural or natural in origin. As per Requirement 23 of *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010) the recording of the site must be consistent with *Aboriginal scarred trees in New South Wales, a field manual* (DEC and Andrew Long 2005). Where uncertainty remains, independent arborist advice should be sought.
 - b. Where trees are confirmed to be Aboriginal objects, demonstrate through a documented options analysis that all reasonable and feasible avoidance measures have been investigated and exhausted, prior to proposing any harm-based management approach.

Clarification of survey findings for previously recorded scarred trees

2. Reinspection of the previously recorded culturally modified tree sties LRWF ST 3 (AHIMS 36-3-4173) and Quindalup (AHIMS 28-6-0020) indicates that RAPs and the archaeologist concluded the likely causes of damage/scarring were vehicle impact and insect predation, respectively. However, no supporting discussion or evidence has been provided to substantiate these conclusions. Further, despite these findings which suggest the trees may not be Aboriginal objects, the significance assessment in Table 7.2 continues to assess both trees as being of high archaeological significance, resulting in an internal inconsistency. To address this, please:
 - a. Provide clear justification and supporting evidence for the conclusions reached regarding the causes of damage (including RAP input and archaeological reasoning).
 - b. Clarify whether the trees are considered Aboriginal objects, with reference to the above evidence.
 - c. Review and amend the significance assessment in Table 7.2 and other relevant sections of the report (including the impact assessment) to ensure consistency with the conclusions.

3. Figure 4.1 identifies a culturally modified tree (AHIMS 28-6-0083) which, based on the scale of mapping provided, appears to be located within the approved Development Corridor; however, this site has not been included in the impact assessment. Please clarify whether this site is within the proposed impact area, confirm its proximity to proposed works, and identify whether protective or avoidance measures are required.

Completeness and consistency of significance assessment

4. The significance assessment presented in Section 7.5 does not address all Aboriginal sites within the proposed modified Development Corridor. This section must include significance assessments for all newly identified sites and a summary of the significance assessments for previously recorded sites, including any proposed revisions. For previously recorded sites, it may be appropriate to reference earlier assessments or reports where detailed significance assessments have already been provided and include only a summary in this section. For PAD, either provisional significance assessments should be provided, or it should be clearly stated that their significance remains unknown. To address this, please:
 - a. Update Section 7.5 to include all Aboriginal sites within the proposed modified Development Corridor
 - b. Provide provisional significance assessments for PAD or clearly acknowledge where significance cannot yet be determined.
5. There is an internal inconsistency within the ACHAR in the assessment of the scientific (archaeological) significance of culturally modified trees. The impact assessment (Table 8.3) identifies these sites as being of moderate archaeological significance, whereas the earlier significance assessment in Section 7.5 (Table 7.2) identifies the same sites as being of high archaeological significance. To address this, please:
 - a. Review and reconcile the archaeological significance ratings for culturally modified trees to ensure consistency across Sections 7.5 and Section 8.3 of the ACHAR.
 - b. Provide a clear justification for any changes in the significance assessment ratings proposed based on the current assessment.

Management measures – test excavations

6. Section 9.3.2 (Test Excavation Program) requires additional information to improve clarity regarding decision-making processes and implementation. While the methodology identifies hold points for ceasing testing (e.g. high artefact densities, shell, skeletal remains, contact archaeology or historical relics), further detail is required to clearly explain what specific outcomes would trigger escalation from test excavation to more controlled salvage excavation, how the spatial extent of testing will be determined and how certain areas will be cleared for construction. To address this please update Section 9.3.2 to:
 - a. Clearly define the criteria and decision-making triggers for escalation from test excavation to salvage excavation.
 - b. Clarify the methodology for ceasing or continuing testing spatially within an area, including responses to sterile testing results or the continued recovery of artefacts. This should specify whether testing is intended to define site extents only within the impact footprint or more broadly.

- c. Include a requirement for submission of an Aboriginal Site Impact Recording Form (ASIRF) and/or AHIMS site card updates, following test excavation.
- d. Identify clear hold points and processes for clearance of areas for construction and/or for the development and approval of any required salvage excavation strategy.

Aboriginal Heritage Information Management system (AHIMS) site cards

- 7. A number of PAD sites are stated as (AHIMS Pending). Please confirm that these have now been registered on AHIMS to facilitate future management.
- 8. The results of the assessment indicated that the area of PAD associated with Talbragar 1 (AHIMS 36-2-0077) has been extended north and south of the original area. Please confirm that a site card update has been submitted to capture this result on AHIMS.

Aboriginal community consultation

- 9. Please provide evidence that all consultation documentation for the current Modification was provided to A1 Indigenous Services and Gallangbang Aboriginal Corporation, as this is not clearly demonstrated in the material included in Appendix B.
- 10. It is noted that consultation material was provided to Mudgee Local Aboriginal Land Council (LALC) and that representatives of this organisation participated in the additional survey work; however, Mudgee LALC is not listed as a RAP for the project in Section 3.2. Please clarify this discrepancy and confirm whether the list of RAPs requires updating to ensure accuracy.