



Your reference: SSD-23700028
Our reference: DOC22/955191

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

Dear Nestor,

Advice on Environmental Impact Assessment – State Significant Development – Tallawang Solar Farm - SSD-23700028 (Mid-Western Regional)

Thank you for your referral uploaded to the Major Projects Portal on 28 October 2022 seeking advice on the above State Significance Development (SSD) proposal. In preparing this advice I have reviewed the following documents:

- Tallawang Solar Farm: Environmental Impact Assessment – prepared by Umwelt Environmental and Social Consultations Pty Ltd, dated August 2022
- Appendix 12 – Aboriginal Cultural Heritage Assessment Report – prepared by Umwelt Environmental and Social Consultations Pty Ltd, dated August 2022

The Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared in reference to the relevant guidelines as required by the SEARs. Based on the information provided in the ACHAR in relation to the archaeological investigation, Heritage NSW agrees with the management recommendations outlined, however, clarification is required within the ACHAR to determine if additional works are required to ensure that Aboriginal cultural heritage has been thoroughly assessed and conserved where possible.

We have included detailed advice in **Attachment A** and recommended draft Conditions of Approval in **Attachment B**. Heritage NSW is available to provide further advice on any additional assessment work conducted.

If you have any questions regarding these comments, please contact Corey O'Driscoll, Senior Assessments Officer, at Heritage NSW on 6229 7079 and corey.odriscoll@environment.nsw.gov.au

Yours sincerely

Nicole Davis
Manager Assessments
Heritage NSW
Department of Planning and Environment
(As Delegate under *National Parks and Wildlife Act 1974*)
Date: 24 November 2022

Attachment A – Detailed Aboriginal Cultural Heritage Advice

Consultation

- Please ensure that all requests for redaction made by the Registered Aboriginal Parties (RAPs) is properly managed. Details of one RAP who wished to not have their details made public has been included in Appendix 1.

Aboriginal Cultural Heritage Assessment Report (ACHAR)

- Section 5 of the ACHAR has not used any recent archaeological data from the Mudgee and Ulan areas, which have been subject to extensive archaeological investigations. In accordance with Requirement 1a of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (2010) please provide a more detailed and up to date synthesis of the archaeological and ethnohistory of the region and describe and evaluate the existing predictive models for the region. Following this updated assessment, the predictive model may require updating. Alternatively, please provide justification on why such region contextualisation was not included.
- Heritage NSW notes that the Aboriginal Heritage Information Management System (AHIMS) search is greater than 12 months old at the time of submission. Heritage NSW requires, as per Requirement 1b of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010), that AHIMS searches be less than 12 months old.
- Please provide survey track logs, as per Requirement 5 of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (2010), to enable Heritage NSW to assess the efficacy of the survey coverage.

Areas of Potential Archaeological Deposit and Archaeological Investigation

- As per Section 89A of the *National Parks and Wildlife Act 1974*, please ensure that all sites, including untested areas of Potential Archaeological Deposit (PAD), have been registered with AHIMS.
- Please provide explication on the boundary of PAD 2 and how its boundary relates to the agricultural uses of the surrounding paddocks.
- Please provide further context of the regional significance of the axes (and portions).
- Please provide information on how site boundaries were determined as several sites have low artefacts counts (<5) but stretch over hundreds of metres.

Aboriginal Cultural Heritage Management Plan (ACHMP)

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



- Within the ACHAR, the RAPs requested that they and an archaeologist be present during the demarcation and fencing of site boundaries. Heritage NSW recommends that such a provision be included in the ACHMP.
- If there is potential for the PADs to be impacted and/or extend further into the construction impact area, then Heritage NSW recommends test excavations to identify the nature, extent, and significance of any subsurface deposit. This will ensure that further impacts can be avoided, and the sites adequately conserved.

Additional information

- Please clarify the significance statement of site AS2, which states that *“based on the level of disturbance within the site and the fact that it is located on privately owned land, [it] has low value for research potential, integrity and education potential”*. It is unclear from this statement why its location of privately owned land would influence its research, integrity, and educational potential.



ATTACHMENT B: RECOMMENDED DRAFT CONDITIONS FOR ABORIGINAL CULTURAL HERITAGE

Below are our recommended draft conditions for the protection of Aboriginal Heritage and the implementation of an Aboriginal Cultural Heritage Management Plan.

Aboriginal Heritage

- 1) All reasonable steps must be taken so as not to harm, modify or otherwise impact Aboriginal objects except as authorised by this approval.
- 2) The Registered Aboriginal Parties (RAPs) must be kept informed about the SSD. The RAPs must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the SSD.

Aboriginal Cultural Heritage Management Plan

- 3) Prior to carrying out any development, the Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:
 - a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary.
 - b) be prepared in consultation with Heritage NSW and Aboriginal Stakeholders.
 - c) include a methodology for a test excavation and salvage excavation program with Aboriginal Stakeholder participation of sites to be impacted with consideration to understanding site characteristics, and local and regional archaeological context.
 - d) include a description of the measures that would be implemented for:
 - i) protecting the Aboriginal heritage items identified within the project footprint or items located outside the approved development footprint, including fencing off the Aboriginal heritage items prior to commencing construction.
 - ii) salvaging and relocating the Aboriginal heritage items located within the approved development footprint.
 - iii) salvaging, relocating or avoiding any Aboriginal heritage items located within the approved development footprint identified during test excavations of the site.
 - iv) include updated baseline mapping of the heritage items within and adjoining to the development disturbance area.
 - v) include updated mapping of all areas that have been and will be subject to monitoring, test excavations, and salvage excavations
 - vi) include conservation options for the mitigation and avoidance to impacts AHIMS registered sites situated within and outside the project footprint.
 - vii) prepare a methodology outlining when Registered Aboriginal Parties must be notified of changes to the Heritage Management Plan.
 - viii) include a procedure for assessing significance of Aboriginal Objects identified during the monitoring, test excavations, and salvage excavation and ensure that the management and mitigation measures are considered for all sites, and with special consideration for those of high significance.
 - ix) a strategy for the long-term management of any Aboriginal heritage items or material collected during the test excavation or salvage works.
 - x) a contingency plan and reporting procedure if:
 - (1) an Unexpected Heritage Finds and Human Remains Procedure must be prepared to manage unexpected heritage finds (heritage items and values) in accordance with any guidelines and standards prepared by Heritage NSW.

- (2) the Unexpected Heritage Finds and Human Remains Procedure must be prepared by a suitably qualified and experienced heritage specialist in relation to Aboriginal cultural heritage, in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (2010) and submitted to the Planning Secretary for information no later than one (1) month before the commencement of construction.
 - (3) the Unexpected Heritage Finds and Human Remains Procedure, as submitted to the Planning Secretary, must be implemented for the duration of construction.
- xi) ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions; and
- xii) ongoing consultation with Aboriginal stakeholders during the implementation of the plan; and
- e) include the completion of Aboriginal cultural heritage test and salvage excavations, an Aboriginal Cultural Heritage Excavation Report(s), prepared by a suitable qualified expert. The Aboriginal Cultural Heritage Excavation Report(s), must:
 - i) be prepared in accordance with the *Guide to Investigation, assessing and reporting on Aboriginal cultural heritage in NSW* (2011) and the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (2010) and
 - ii) document the results of the archaeological test excavations and any subsequent salvage excavations (with artefact analysis and identification of a final repository for finds).
 - iii) The RAPs must be given a minimum of 28 days to consider the report and provide comments before the report is finalised. The final report must be provided to the Planning Secretary, Heritage NSW, the relevant Councils, and the relevant Local Aboriginal Land Council, and the RAPs within 24 months of the completion of the Aboriginal archaeological collections and excavations (both test and salvage).
- f) where previously unidentified Aboriginal objects are discovered, all work must immediately stop in the vicinity of the affected area. Works potentially affecting the previously unidentified objects must not recommence until Heritage NSW has been informed. The measures to consider and manage this process must be specified in the Unexpected Heritage Finds and Human Remains Procedure required by Condition and include registration in the Aboriginal Heritage Information Management System (AHIMS).