



Your reference: SSD-8950984
Our reference: DOC23/993628

Natasha Homsey
Team Leader
Department of Planning & Environment
Email: natasha.homsey@planning.nsw.gov.au

Dear Natasha,

Heritage NSW - Advice on Environmental Impact Statement (EIS) - State Significant Development (SSD-8950984) – Burrendong Wind Farm

Thank you for your referral uploaded to the Major Projects Portal on 14 November 2023 seeking advice on the above State Significant Development (SSD) proposal. In preparing this advice I have reviewed the following documents:

- Burrendong Wind Farm: Environmental Impact Statement – prepared by Ecological Australia, dated 7 November 2023.
- Appendix N – Aboriginal Cultural Heritage Assessment: Burrendong Wind Farm – prepared by Ecological Australia, dated 11 September 2023.

Based on the Aboriginal Cultural Heritage Assessment Report (ACHAR), provided in support of the Environmental Impact Statement (EIS), there is insufficient information provided for Heritage NSW to advise the Department on whether the management recommendations are adequate and if the ACHAR substantially complies with the SEARs. In order to establish the nature and extent of the Aboriginal cultural heritage values proposed for impact by this development further investigations are required. We have included detailed advice in Attachment A.

If you have any questions regarding these comments, please contact Alison Lamond, Senior Assessments Officer, at Heritage NSW on 0419 762 918 and alison.lamond@environment.nsw.gov.au

Yours sincerely

Nicole Davis

Nicole Davis

Manager Assessments

Heritage NSW

Department of Planning and Environment

As Delegate under National Parks and Wildlife Act 1974

11 December 2023

Attachment A – Detailed Aboriginal Cultural Heritage Advice

- Please clarify the number of sites identified in the assessment and their interactions with the proposed impact footprint. The executive summary notes 106 and 102. Table 11 lists 59 sites identified within survey units. Table 12 provides limited description of 60 sites. Table 14 identifies 35 sites; 34 to be impacted and 1 to be avoided.
- The mapping of Survey Units 30 and 31 in Appendix B includes a PAD1 in proximity to the development footprint this PAD is not described or discussed in the ACHAR.

Consultation

- Heritage NSW requests that additional documentation in relation to the consultation process be provided. Heritage NSW requires that consultation with Registered Aboriginal Parties (RAPs) is continuous. Under our guidelines, breaks in consultation of over six months may not constitute continuous consultation. If an unexpected break of greater than six months has occurred, the applicant may be required to restart the consultation process.
 - Heritage NSW requests that the applicant demonstrates that the assessment methodology and draft ACHARs were provided to all RAPs for review in the record of consultation.
 - It is noted that the project area overlaps the Warrabinga- Wirajuri #7 (NC2018/002) registered Native Title claim. Heritage NSW request that the applicant provide additional information to demonstrate that the Native Title Party was contacted and provided information regarding the project.
- Please ensure that all requests for redaction made by the Registered Aboriginal Parties have been appropriately managed. Details of two RAPs who wished to not have their details made public have been included in Appendix D.
- It is noted that the submissions provided by RAPs are included in Section 2.3, however, responses to many of the issues raised by RAPs have not provided as required in Section 3.1 *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* and Section 4.3 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents*. Please provide copies of the responses to the issues raised by RAPs.
- Wellington Valley Wiradjuri Aboriginal Corporation (WVWAC) response to the Draft ACHAR dated 18 May 2023 notes ‘ the project area has significant “Songlines” through it’. This statement is noted in Section 6.2.2 along with the statement that the ‘song lines have not been specifically linked to the project site development footprint’. Please provide further detail of the research and consultation with the Aboriginal Community regarding the song lines identified by WVWAC and their interaction with the project footprint.

AHIMS

- From comparisons of AHIMS site distribution to the mapping of survey results, not all sites identified during surveys have been successfully registered on AHIMS. Please ensure all sites identified during the assessment are registered on AHIMS as required by Section 89A of the *National Parks and Wildlife Act 1974*.
- 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, that AHIMS searches are

contemporaneous with the project. Heritage NSW considers that AHIMS searches that are over 12 months to be invalid. Please provide an updated the AHIMS search.

- Section 4.1 notes that the AHIMS search included in the ACHAR identified eight (8) restricted sites with only three (3) confirmed to outside the project site. Confirmation of the interaction of restricted sites with the study area is required. This information can be obtained by emailing ahims@environment.nsw.gov.au, and providing the list of restricted sites in question and a shapefile your study area. Please include the results of this request in the revised ACHAR.

Survey

- Table 11 identifies the use of vehicle survey as a part of the assessment. Heritage NSW does not support vehicle surveys as a replacement for pedestrian surveys, as per Requirement 5 of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (2010). Requirement 5 explicitly states “*vehicle traverses are considered to be reconnaissance activities only... they will not allow for suitable survey effectiveness calculations*”. Therefore, please remove all reference to vehicle survey from the survey coverage, mapping, and adjust the relevant sections to reflect the amount of survey coverage undertaken on foot. Heritage NSW specific recommendations on this matter are as follows:
 - Please clearly identify those areas that were subject to the pedestrian survey.
 - Please provide detailed and thorough mapping which includes 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.
 - Heritage NSW will require areas subject to vehicle survey to be subject to pedestrian survey prior to approval.
- Heritage NSW notes that there was no survey of the overhead transmission line corridors. Requirement 5 (A) of the *Code of Practice for Archaeological investigation of Aboriginal Objects in NSW* (2010) states survey sampling must include all landforms that will potentially be impacted. Please clarify the impacts proposed for these areas. If areas of proposed impact were not subject to survey, Heritage NSW requires that a thorough survey and assessment occur prior to project approval.
- Clarification of the sampling strategy utilised for the survey is required. Section 5.2 notes areas including disturbed existing graded vehicle tracks were sampled. It also states areas of ground surface exposure were targeted. The survey results note the high vegetation levels across the project area, leaving vehicle tracks as a major source of exposure in the landscape. Section 5.3 notes that the access tracks crossed areas of higher archaeological potential than the proposed turbine locations on the ridges. The RAPs state in their responses to the Draft ACHAR that they are of view that it is important to survey all access tracks to be impacted by the project. It is also noted 80% of the sites described in Table 12 were identified in association with vehicle track exposures sampled in the survey. Please clarify and justify the sampling of the access tracks in the survey strategy. If adequate justification is not provided, Heritage NSW recommends that further survey occurs prior to any construction impacts occurring in the project area.

Potential Archaeological Deposits

- Descriptions of newly identified sites are limited to the 60 sites listed in Table 12. These descriptions do not include detailed information about the site or considerations about subsurface archaeological potential. As previously noted, 80% of the sites with a location description provided were located on heavily eroded and graded vehicle tracks, with this disturbance causing the exposure of the Aboriginal objects. Some of these tracks are in landforms identified with higher potential for subsurface archaeological deposits in the archaeological context and predictive model (Section 4 of ACHAR). Please provide an assessment of the surrounding landform of the sites for potential subsurface archaeological deposit. Please provide greater explication on the potential for subsurface material and justification as to why test excavations should not occur prior to construction in the project area. If adequate justification is not provided, Heritage NSW recommends that test excavations occur prior to any construction impacts in the project area.

Management and Mitigation Options

- Unmitigated impacts are proposed for 21 ACH sites and unclear mitigation measures for another 12. Heritage NSW recommends avoidance with long-term conservation measures put into place where possible. Where avoidance and conservation are not possible, Heritage NSW recommends that the sites are subject to surface collection and potentially salvage excavation. It is noted that the responses from the RAPs indicate their preference for collection of all surface Aboriginal objects within areas of impact and salvage excavation of subsurface deposits. Please clarify the mitigation measures recommended.
- Heritage NSW notes that the ACHAR describes AHIMS recording as '*adequate mitigation prior to impact*'. Please note failure to record any identified Aboriginal object on AHIMS is an offence under Section 89A of the *National Parks and Wildlife Act 1974*, therefore it is a minimum legal requirement and is not considered mitigation for impacts.
- The ACHAR and EIS both include the recommendation that when the design is finalised, additional archaeological assessment is conducted in any areas proposed for impacts that have not been surveyed during the current assessment. While the need for design refinement and the flow on minor changes in impact footprint is recognised, this does not negate the need for adequate survey coverage and assessment prior to approval. The survey and assessment of items, such as the overhead transmission line corridors needs to be included in the ACHAR to inform the project approval process. If areas of proposed impact were not subject to survey, Heritage NSW recommends that a thorough survey occur prior to project approval.

EIS

- The footprint of works identified in the EIS includes a transport corridor subject to road upgrades. Please clarify if the approval for these impacts is a part of SSD 8950984, as the ACHAR did not include these areas within the assessment. If the transport corridor works are a part of the SSD 8950984 approval, they will need to be included in the Aboriginal Cultural Heritage Assessment.
- Section 6.8 of the EIS states 94 of the 102 sites identified on the AHIMS search were located in the assessment area. This is in contrast to Section 4.1 of the ACHAR which states not sites are within the project site. Please clarify this information.