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Letter uploaded to the Major Projects Planning Portal

Advice on Environmental Impact Statement – State Significant Development

Proposal: Baldon Wind Farm

Major Project reference: SSD-40138508

Received: 13 August 2024

Dear Kurtis

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

It is understood that the proposal involves the construction, operation and decommissioning of a wind farm and ancillary infrastructure including battery storage in the flat riverine plains between the townships of Hay and Balranald within the Southwest Renewable Energy Zone (the project). The Project Area comprises ~46,259 hectares, with the Development Corridor being ~2,842 hectares contained within the Project Area. Subject to final detailed design, the proposed disturbance footprint for the project is expected to cover ~819 hectares within the Development Corridor. In preparing this advice Heritage NSW has reviewed the following documents:

- Relevant sections of the Environmental Impact Statement: Baldon Wind Farm – prepared by NGH Pty Ltd, dated 30 July 2024.
- Appendix F2: Aboriginal Cultural Heritage Assessment Report – Baldon Wind Farm – prepared by NGH Pty Ltd, dated 17 July 2024.

Following the review of the above documents, Heritage NSW requests additional information to inform its advice to the Department on whether the Aboriginal Cultural Heritage Assessment Report adequately addresses the Secretary's Environmental Assessment Requirements for the project, including the associated recommendations for the management of Aboriginal cultural heritage. Our review has identified key matters, as outlined in **Attachment A**, that must be addressed in order for Heritage NSW to provide advice regarding project approval.

If you have any questions regarding these comments, please contact Marika Low, Senior Assessments Officer, at Heritage NSW on 9873 8500 or heritagemailbox@environment.nsw.gov.au.

Yours sincerely

Nicole Davis

Nicole Davis

Manager Assessments

Heritage NSW

Department of Climate Change, Energy, the Environment and Water

As Delegate under *National Parks and Wildlife Act 1974*

11 September 2024

Attachment A – Detailed Aboriginal Cultural Heritage Advice Baldon Wind Farm Project (SSD-40138508)

Clarifications relating to the assessment of Aboriginal cultural heritage

1. The ACHAR specifies that the Development Corridor is largely confined to landscapes which generally have deflated surfaces and areas considered to have negligible potential for intact subsurface deposits. Consequently, no subsurface test excavation of potential archaeological deposits (PADs) was determined to be warranted within the proposed Development Corridor. Given the predictive model notes that subsurface deposits are most likely to occur "*within areas of elevated flat land associated with ephemeral drainage lines, red sandy rises, sand hills or within source bordering dune systems*" pg.41 and these landforms are recognised to exist within the Project Area, please provide further justification for why test excavations (both in association with the identified sites and in other areas where no surface evidence is present) are not required to inform the ACHAR in accordance with the SEARs.

Considering the ACHAR states that an assessment of contour and Digital Elevation Modelling (DEM) data were used to inform predictive modelling around the likelihood of PADs, detailed mapping to illustrate the micro topographic features identified through this analysis may be used to support the predictive model and the conclusion for negligible potential for intact subsurface deposits with the Development Corridor. If adequate justification is not provided, Heritage NSW recommends that a program of test excavation be conducted, with the timing of any such program to be subject to discussion.

2. Please provide additional information regarding the 'Higher Sensitivity Areas' that have been identified within the Project Area including: how these areas were identified and defined, what the sensitivity is in relation to (e.g., potential for burials or other cultural materials such as stone artefacts), and the specific reasons for why these areas are not considered to be PADs, despite recommending "*a limited program of sub-surface test excavation*" (p.118 of Archaeological Report [AR]) if works extend into the higher sensitivity area surrounding the gypsum extraction area. Where these areas are assessed as having the potential to contain Aboriginal objects and/or values, additional investigation will be required to ensure adequate consideration of their significance and whether they have the potential to be directly or indirectly harmed by the proposed development.
3. Please update Appendix B of the AR (Site Description table) to include details of the site boundaries/ extents and identify how these have been determined as per Requirement 6 and 7 of the *Code of Practice for Archaeological Investigation of Aboriginal objects in NSW* ('the Code of Practice'; DECCW 2010).
4. Please clarify how it has been determined that the sites with PAD located outside of, but directly adjacent to, the Development Corridor (including BWF-1, BWF-19, BWF-37, BWF-66, BWF-68, BWF-69, BWF-76, and BWF-73) do not have the potential to extend into the impact area.
5. Please confirm whether the previously recorded Aboriginal sites within the Project Area were re-inspected during the site survey and clarify how it has been determined that they do not have potential to extend into the Development Corridor. Additional mapping which shows the site locations and boundaries for these previously recorded sites would help to address this matter.

6. Please confirm whether the sites containing Aboriginal ancestral remains were recorded by, or reviewed by, a specialist physical anthropologist or other suitably qualified person with experience in recording such remains in accordance with Requirement 25 of the Code of Practice.
7. The ACHAR contains a discrepancy in the total area recorded for the Development Corridor. The project description in Section 2.1, for example, refers to the area as being ~2842 ha, in contrast the discussion of results and effective survey coverage sections the area is noted to be ~2752 ha. Please review this discrepancy and clarify whether the effective survey coverage results have been calculated based on the correct data.

Impact assessment and consideration of cumulative impacts

8. Please update the impact assessment presented in the ACHAR to distinguish between 'Total' and 'Partial' degree of harm in accordance with Requirement 11 of the Code of Practice.
9. The ACHAR states that "*Disturbance to burials was typically from erosional processes however one (BWF-87) was noted as being on the margin of a vehicle track with likely impacts from a grader scrape being evident.*" pg.51. Please clarify whether the vehicle track adjacent to BWF-87 will be used for the current project and whether the impact assessment presented in the ACHAR has considered potential secondary impacts (e.g. road grading, road widening, public road upgrades, compaction, erosion) to sites such as BWF-87?
10. There are a number of discrepancies and errors in the impact assessment presented in the ACHAR. According to Table 6-2, for example, sites BWF-40 (Mound) , BWF-144 (Culturally Modified Tree) and BWF-163 (Culturally Modified Tree) are listed for avoidance. The latter two of these sites, however, are not included in Table 7-1 which outlines the sites to be avoided by the proposal and all three of these sites are included in Table 7-2 which indicates that impacts to these sites are undetermined. Please review and update for accuracy.
11. Section 10.3 of the AR states that 21 of the newly identified Aboriginal sites within the Development Corridor "*must be avoided by the development activity resulting in 140 sites currently avoided by the proposed development*" pg.103. This is in contrast to other sections of the ACHAR which state that the impacts to these sites are undetermined. Please review this discrepancy and ensure consistency throughout the report.
12. Please provide additional or updated mapping to illustrate the location of the areas associated with undetermined impacts to support the impact assessment. This may be achieved using mapping conventions such as different shading for areas associated with powerline works.
13. Update the assessment of cumulative impact to include consideration of other large infrastructure projects in immediate local area such as the Keri Keri Wind Farm project, which is situated directly adjacent to the western boundary of the current project area.

Management measures and recommendations

14. Update the list of sites that are to be subject to subsurface excavation if they cannot be avoided (Table 11-6 in AR and Table 7-6 in ACHAR), and Recommendation 16, to include all sites with 'PAD' and/or 'Mound' as features (i.e. BWF-006, BWF-011, BWF-013, BWF-014, BWF-015, BWF-030, BWF-031, BWF-032, BWF-033, BWF-034, BWF-035, BWF-036, BWF-195).

15. Update Recommendation 3 to include avoidance of the 108 newly identified Aboriginal sites located outside the Development Corridor as per the results of the impact assessment presented in the ACHAR which indicate total avoidance of these sites.
16. Amend the Surface Collection Methodology provided in Appendix C to include requirements for photographs and/or drawn records of representative / diagnostic stone artefacts (not just "particularly rare items") in accordance with Requirement 26 of the Code of Practice.
17. Update the list of sites to be subject to mitigation via surface collection provided in the table in Section C1 of 'Appendix C - Surface Collection Methodology' to include BWF-111 (AHIMS 48-4-0706) consistent with information presented elsewhere in the ACHAR (e.g. Table 7-2).
18. Several recommendations include a requirement for monitoring for potential burials during initial ground disturbance works by the Registered Aboriginal Parties (RAPs) (e.g. Recommendations 14 and 15). Please provide an indicative methodology for this.
19. Several recommendations mention that test excavations or sub-surface excavations may be required depending upon: (a) the final designs for the overhead powerlines (Recommendation 8), (b) if the gypsum extraction works extend outside of the area of low sensitivity (Recommendation 13), or (c) if hearths cannot be avoided (Recommendation 16). Please provide a methodology for the archaeological excavation proposed post approval and the process that will be undertaken to assess the results of the test excavation. This methodology must be developed in consultation with the RAPs and must include:
 - a. Detail of excavation procedure proposed.
 - b. Criteria/triggers for the significance assessment of sites considering the results of test excavation and determination of appropriate management and mitigation measures.
 - c. Provisions for the conservation and avoidance of highly significant Aboriginal cultural heritage that may be identified during the test excavations.
 - d. Consideration and provisions for the presence of burials in subsurface contexts which were identified as a potential site type on the Hay Plain within the predictive model.
20. The management recommendations outlined in Appendix D of the AR indicate that no demarcation /high visibility fencing of Aboriginal sites for avoidance is required unless works are being undertaking within a certain trigger distance from that site. Please clarify whether the trigger distances for site demarcation refer to the distance from the registered point location of a site or from its recorded boundary.

To ensure the efficacy of such recommendations, where the trigger distance is from the site boundary, please update Appendix D to include dimensions for each site extent and the distance of the Development Corridor from the recorded site boundary. Alternatively, where the trigger distance is from the registered point location of a site, please ensure that the proposed trigger distance is appropriate for the size/extent of each site, noting that some Aboriginal sites located within the project area are quite large (e.g. BWF-18 represents a mound complex noted to be 220 meters in maximum dimension).

AHIMS site cards, heritage register searches and mapping

21. Please confirm that the site card for Pump Site 2 (AHIMS # 48-4-0075) has been updated to correct the identified location error which places the site outside of the Project Area as outlined in Section 2.3.5 of the ACHAR.
22. Section 2.3.6 of the ACHAR indicates that searches of the heritage registers were completed on 1 November 2022. Please update and review for currency.
23. The AHIMS identifier for BWF-94 is incorrect/incomplete throughout the ACHAR. Please review and correct this error.
24. Please update Figure 2-10 in the ACHAR to include AHIMS identifiers and site boundaries.
25. Please update Figure 7-1 and Figure 7-2 in the ACHAR to include labels of the site names for all sites / site boundaries which intersect with the 'Higher Sensitivity Areas'.