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Letter uploaded to the Major Projects Planning Portal

Advice on Environmental Impact Statement – State Significant Development

Proposal: Bullawah Wind Farm

Major Project reference: SSD-50505215

Received: 21 August 2024

Dear Lauren

Thank you for your referral seeking advice on the above State Significant Development proposal. It is understood that the proposal involves the construction, operation, maintenance and decommissioning of a wind farm, ancillary infrastructure and temporary facilities located approximately 36 km south-east of Hay within the Southwest Renewable Energy Zone (the project). The Project Area comprises ~ 20,628 hectares (ha), with the Development Corridor being ~ 4,311 ha contained within the Project Area. Subject to final detailed design, the proposed disturbance footprint for the project is expected to cover ~642 hectares within the Development Corridor. In preparing this advice Heritage NSW has reviewed the following documents:

- Relevant sections of the Environmental Impact Statement: Bullawah Wind Farm Project – prepared by Umwelt (Australia) Pty Ltd, dated 30 July 2024.
- Appendix 7: Aboriginal Cultural Heritage Assessment Report – Bullawah Wind Farm Project – prepared by Umwelt (Australia) Pty Ltd, dated 26 June 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 (ACHAR) 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*

25 September 2024

Attachment A – Detailed Aboriginal Cultural Heritage Advice Bullawah Wind Farm Project (SSD-50505215)

Aboriginal Community Consultation

1. Please provide additional documentation of the consultation undertaken for the project comprising all correspondence sent and comments received. Specifically, please include Stage 1 notifications and registrations and evidence that the draft assessment methodology (Stage 2/3) and the draft ACHAR (Stage 4) were provided to all Registered Aboriginal Parties. This additional documentation can comprise of copies of dated email records with all relevant email addresses shown and/or delivery / read receipts of the correspondence.

Landform mapping and predictive modelling

The ACHAR outlines that the study area is comprised of a predominantly flat landscape with intermittent elevated landform elements throughout. Landforms variably mentioned throughout the ACHAR as being present within the study area include alluvial fans, floodplains, undulating plains, sandplain, depressions, flats, dunes, dune ridges, source bordering dunes, residual rises, lunettes. Information presented in the archaeological background sections indicates that slightly elevated topographies within the landscape are generally of high archaeological sensitivity. The predictive model presented in Section 6.4, however, does not include detailed landform analysis and does not include consideration of a number of site types/ features known to occur in the local region. The following is required to ensure that the archaeological potential of the study area has been adequately assessed and is appropriate for the scale of the current project.

2. As per Requirement 2 of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (the Code of Practice; DECCW 2010), please provide landform mapping using standard classifications, preferably referencing landform units as defined in the 'Landform' chapter of the Australian Soil and Land Survey Field Handbook (3rd Edition). Mapping should also include relevant details such as contour lines.
3. As per Requirement 4a of the Code of Practice, please update the predictive model to integrate the distribution of known sites / features using the landscape / landform descriptions derived from Requirement 2. Archaeological sensitivity mapping may help support the predictive model.
4. As per Requirement 4 of the Code of Practice, please update the predictive model to include consideration of all relevant site types/ features known to occur in the local region and include the decisions and reasoning behind the predictions made. We note that the current archaeological predictions presented in Section 6.4 do not include consideration of site types such as earth mounds, burials and modified trees (carved or scarred) and there is very limited consideration of potential archaeological deposits beyond the general statement that “*Subsurface potential for extant lithic artefacts is likely to be low*”.

Clarification regarding the assessment of Aboriginal cultural heritage

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 boundaries for these previously recorded sites would help to address this matter, noting that maps should be at a scale appropriate to the site and its relationship to other sites, important features, and the project boundary. Multiple maps may be required to effectively convey this information.

6. Please update Table 7.1 to include details of site extents for all newly recorded sites and clarify how boundaries have been determined as per Requirements 6 and 7 of the Code of Practice.
7. We note that Bullawah AS10_2023 (AHIMS #48-6-0323) has been assessed to have *"high subsurface potential within lunette dune"* pg.53 and that the site has the potential to be directly impacted by the project (Table 9.2). Where areas are assessed as having the potential to contain Aboriginal objects and/or values, additional investigation in the form of test excavations is required to ensure adequate consideration of their nature, significance and extent and ensure that appropriate mitigation measures are developed to minimise/mitigate harm to the site. Please provide justification for why this site was not subject to test excavations. Where adequate justification cannot be provided, additional investigation / test excavations would be required.
8. The impact assessment presented in Section 9.1 of the ACHAR states that *"PEC-E-PAD25 (AHIMS ID #48-6-0230) comprises an area of PAD with unknown archaeological resource. Further targeted assessment and/or salvage would be integrated into standalone management measures post-approval if the area cannot be avoided."* We note that this site was not subject to testing and no recommendations have been proposed in the ACHAR regarding any potential test and salvage excavations required to investigate or manage this site. Please provide justification for why this site was not subject to test excavations. Where adequate justification cannot be provided, additional investigation / test excavations would be required.
9. Section 7.1 of the ACHAR states that: *"Vehicles were utilised for parts of the survey to achieve greater coverage."* As per Requirement 5 of the Code of Practice, vehicle traverses are considered to be reconnaissance activities only. While they may be used to inform and design a pedestrian survey strategy, if they are to be used in the assessment, vehicle traverses must be recorded and reported separately from pedestrian survey activities, as they will not allow for suitable survey effectiveness calculations. Please clarify whether the survey coverage data and results presented in the ACHAR relates only to pedestrian survey results or includes vehicle survey results and update the ACHAR, where required, to address this matter.
10. The ACHAR states that *"survey and recording was completed according to landform element units"*, however, survey results and effective survey coverage data are not presented in terms of landforms but rather by arbitrary transect numbers. In accordance with Requirements 9 and 10 of the Code of Practice, the survey results must be presented in a format that allows for an assessment of the effectiveness of the survey for each landform unit and then for the study area as a whole.
11. As per Requirement 5 of the Code of Practice, please include the survey track logs and detailed mapping of the areas subject to survey and differentiate between vehicle and pedestrian survey.

Clarifications regarding the assessment of off-site road works

12. The ACHAR states that *"disturbance areas associated with off-site road works were opportunistically inspected during fieldwork activities using as combination of vehicle and pedestrian survey"* pg.50. Based on information provided in the ACHAR, the off-site road works includes activities that will require ground disturbance associated with road widening and the construction of site access points. As Aboriginal objects may occur in disturbed contexts and/or below levels of existing disturbance, additional information is required to demonstrate these areas have been adequately considered and assessed in the ACHAR. Additional information must include:

- a. a description of the landforms/ soil landscapes present in these areas,
- b. how the predictive model applies to these areas,
- c. mapping and survey results showing the location of areas inspected (ensuring differentiation between vehicle and pedestrian survey data) and effective survey coverage, and
- d. additional discussion and evidence to support the conclusion that these areas are highly disturbed and have a low likelihood of Aboriginal sites being present. Evidence may include, but not necessarily be limited to, photos of current disturbance levels and a review of historical aerial imagery covering the areas to be subject to ground disturbance.

Should this assessment identify any areas of potential archaeological deposit that may be subject to harm as a result of the project, additional investigation (i.e. survey and/or test excavations) would be required.

Significance assessment

13. Please update the cultural significance assessment presented in Section 8.1 to include reference to the Bullawah-Culturally Modified Tree1 2023 (AHIMS #48-6-0336) as a site noted by Registered Aboriginal Parties as retaining significant cultural value as a 'women's business' site.
14. The ACHAR includes reference to "ground-edge" and "grinding" lithic objects and "grinding implements" (e.g. see Section 12.1.2.3 of AR). Please clarify what site/s these artefacts were identified at and confirm whether the presence of such objects has been considered when assessing the archaeological significance of the relevant site/s, noting that such artefacts are typically associated with high research potential.

Management measures and recommendations

15. Please update the management recommendations relating to Bullawah-Culturally Modified Tree1 2023 (AHIMS #48-6-0336) to ensure that consideration is given to the gender-sensitivity of the tree as a 'women's business' site. For example, confirm whether any protective measures (such as fencing and any monitoring of site condition) should be undertaken by female representatives.
16. The ACHAR states that "*hearth sites retain an overall moderate significance and where possible, should be avoided.*" pg.71. Please confirm what management measures (e.g. salvage excavation) would be required should it not be possible to avoid hearth sites.
17. The ACHAR states that "*hearths contained within site complexes are to be treated as standalone sites and in the first instance are to be avoided*" pg.67. To ensure the efficacy of this recommendation, please provide detailed mapping of the site complexes showing the location of the hearths / areas to be avoided within these site complexes and confirm whether any protective measures (such as fencing) should be in place during the proposed works and/or during any proposed collection of surface artefacts associated with these site complexes.
18. The ACHAR recommends that three sites including Bullawah Hearth 1 2023 (AHIMS # 48-6-0335), Bullawah Earth Mound 1 2023 (AHIMS # 48-6-0336) and Bullawah Culturally Modified Tree1 2023 (AHIMS # 45-6-0336) are demarcated with fencing and/or barricades prior to works in the area. To ensure the efficacy of this management measure, please update the recommendation to include details of any specific protective buffers that should be in place for these sites and ensure that these buffers are appropriate for the nature and extent of each site.