

Our ref: HMS ID 7914

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Letter uploaded to the Major Projects Planning Portal

Advice on Environmental Impact Statement – State Significant Development

Proposal: Gundry Solar Farm

Major Project reference: SSD-48225958

Received: 14 November 2024

Dear Cameron,

Thank you for your referral seeking advice on the above State Significant Development proposal. It is understood that the applicant is seeking consent for the construction, operation, maintenance and decommissioning of a 400-Megawatt peak (MWp) solar farm with a Battery Energy Storage System (BESS) and associated infrastructure to connect the Project to the national electricity grid.

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

- Relevant sections of the Environmental Impact Statement: Gundry Solar Farm – prepared by Umwelt (Australia) Pty Limited, dated 14 October 2024
- Appendix 8: Aboriginal Cultural Heritage Assessment – Gundry Solar Farm – prepared by Umwelt (Australia) Pty Limited, dated 26 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 (ACHAR) adequately addresses the Secretary's Environmental Assessment Requirements (SEARs) for the project, including the associated recommendations for the management of Aboriginal cultural heritage. **Attachment A** contains detailed advice and outlines our request for additional information.

Please note that the above comments 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,

Corey O'Driscoll

Corey O'Driscoll

A/Practice Lead

Major Projects

Heritage NSW

Department of Climate Change, Energy, the Environment and Water

As Delegate under *National Parks and Wildlife Act 1974*

12 December 2024

Attachment A – Detailed Aboriginal cultural heritage advice

Assessment of Aboriginal sites and understanding of cumulative impacts

1. Based on the results of the test excavations, the ACHAR predicts that there are further areas of archaeological sensitivity within the Project Area, “*predominately along similar broad spurs within 200 m of the perennial tributary to Bullamalito Creek*” (Section 5.6). The ACHAR goes on to state that these areas likely contain deposits that “*would be lesser than or equal in significance to the primary subsurface artefact concentrations found at GSF-UMW-9 and GSF-UMW-6, and therefore are likely to range from low to moderate significance*” (Section 7.3). This indicates that unidentified Aboriginal site/s of moderate significance may be subject to unmitigated impacts, with the only ‘mitigation’ being that the two known sites of moderate significance will be subject to salvage excavation.

Heritage NSW does not support unmitigated impacts to Aboriginal sites of moderate significance. Without adequate and complete assessment to establish the cultural significance (in this instance the identification and assessment of areas predicted to contain deposits of potentially moderate significance), it cannot be demonstrated that more places which may further enhance the significance of the known Aboriginal cultural heritage in the area will not be found. Further information is required regarding these “*further areas of archaeological sensitivity*” to ensure that all cultural values are properly assessed and managed. Specifically additional information is required to better understand and quantify the extent of harm on Aboriginal objects and values (including cumulative impacts) from the proposed development and determine whether the proposed management strategies are appropriate for the scale of impacts. The following is requested to address this matter:

- a. Please provide additional mapping to illustrate where these additional areas of archaeological sensitivity, which potentially contain archaeological deposits of moderate significance, occur within the Project area based on updated understandings of the archaeological potential of the Project area.
- b. Please clarify whether these areas should be treated as Potential Archaeological Deposits (PAD) and be registered on the Aboriginal Heritage Information Management System (AHIMS) in accordance with Section 89A of the *National Parks and Wildlife Act 1974*.
- c. To ensure certainty in evaluating the level of harm associated with the project, Heritage NSW requests further information on whether harm to these areas of archaeological sensitivity will be avoided. This information should be provided at the Response to Submissions (RTS) stage and should include information on how harm will be avoided or further detail on how this harm will be mitigated. Where warranted, please include provision for further archaeological investigation of these areas (including test and salvage excavation as required).

Consideration of potential for avoidance/conservation

2. Please provide additional information which demonstrates adequate consideration has been given to options which would allow for the Aboriginal sites of moderate significance (including GSF-UMW-6 and GSF-UMW-9) to be conserved. Such discussions should be had with Registered Aboriginal Parties (RAPs) and the Proponent. These discussions must be documented in the response, noting that Heritage NSW supports the conservation and protection of Aboriginal

cultural heritage values and highly recommends that all reasonable and feasible efforts should be made to avoid impacting on Aboriginal cultural heritage wherever feasible.

Aboriginal Heritage Information Management System (AHIMS)

3. In addition to providing the date of any searches of the Aboriginal Heritage Information Management System (AHIMS), the AHIMS client service number must also be referenced as per Requirement 1b of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (Code of Practice; DECCW 2010). Please provide the AHIMS client service number for the additional searches completed in 2023 and 2024 and/or include the results of these additional searches in Appendix B.