

Our ref: HMS ID 10354

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Letter uploaded to the Major Projects Planning Portal

Advice on Environmental Impact Statement – State Significant Development

Proposal: Wattle Creek Solar Farm

Major Project reference: SSD-63344210

Received: 8 May 2025

Dear Megan,

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

It is understood that the applicant is seeking approval for the development of a hybrid solar farm with generation capacity of up to 265 megawatt (MW) combined with a 100 MW battery energy storage system (BESS). It is further understood that the applicant will also be seeking approval for a standalone BESS with 350 MW capacity which is being assessed under a separate approval process covered by SSD-63345458.

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

- Relevant sections of the Environmental Impact Statement: Wattle Creek Energy Hub Solar Farm – prepared by Umwelt (Australia) Pty Limited, dated 18 March 2025
- Appendix 8: Aboriginal Cultural Heritage Assessment Report – Wattle Creek Solar Farm SSD-63344210 – prepared by Austral Archaeology Pty Ltd, dated 13 March 2025

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. We note that many of the issues identified are also applicable to the assessment prepared for SSD-63345458 which has been reviewed by Heritage NSW concurrently under a separate referral (our reference HMS 10356). Heritage NSW recommends that Planning request that the applicant address the matters outlined in **Attachment A** prior to considering project approval. When addressing

these matters as part of the response to submissions, Heritage NSW requests that the applicant please include an itemised table which outlines how each comment has been addressed and indicates where each comment has been addressed in the report/s (where relevant).

Please note that the comments provided 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,

Alison Lamond

Alison Lamond
A/ Strategic Manager
Major Projects
Heritage NSW
Department of Climate Change, Energy, the Environment and Water
As Delegate under *National Parks and Wildlife Act 1974*
4 June 2025

Attachment A – Detailed Aboriginal cultural heritage advice for SSD-63344210

Aboriginal community consultation

1. Please update Section 2 of the ACHAR to provide an accurate and complete outline of the Aboriginal community consultation undertaken for the project including explanations for when stages were re-undertaken due to admin errors and/or due to the Project being placed on hold and/or due to changes in project design which necessitated updates to the report and additional Stage 4 reviews. Specifically, please provide the following:
 - a. Explanation for why Stage 1 agency letters were sent on 10 November 2022 and then again (but only to some Agencies) on 22 June 2023.
 - b. Explanation for why the Stage 1 invitations to register were sent to Aboriginal stakeholders on the 3 July 2023 but the Stage 1 Advert was only published a year later on 17 July 2024.
 - c. Explanation for why the Stage 2/3 consultation letter was sent to Registered Aboriginal Stakeholder (RAPs) on 19 October 2023 and then again on 15 July 2024 and 31 July 2024 approximately 9 months later.
 - d. Noting that Step 4.1.6 of the *Aboriginal cultural heritage consultation requirements for proponents* (DECCW 2010) requires that the Proponent provide a list of the Aboriginal persons who have registered an interest in the project to Heritage NSW and the Local Aboriginal Land Council (LALC) within 28 days of the closing date for registration, please provide explanation for why this step was completed on 15 July 2024 only a couple of days after the Stage 1 newspaper advert was published and despite the Stage 1 registration period ending ~12-months prior on 17 July 2023.
2. Heritage NSW requires that consultation with 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. With this in mind, please address the following:
 - a. The consultation log indicates that the Stage 2/3 consultation letter was sent to RAPs on 19 October 2023 and then again on 15 July 2024. Please provide further explanation for this and confirm whether consultation was maintained during that ~9-month gap.
 - b. The last date of consultation with RAPs recorded in the ACHAR was August 2024 (i.e. Stage 4 review of the draft ACHAR). Please confirm whether consultation with RAPs remains active for the project (i.e. no gaps of over 6 months) and if so, update the ACHAR to include an outlined of this including evidence of all additional consultation that has been undertaken (e.g. Project update letters etc.) to ensure continuous consultation.
3. The consultation documentation provided in Appendix A is incomplete. Please provide:
 - a. Evidence that the Stage 2/3 Project letter dated 18 October 2023 was provided to Kazan, Burra Burra Aboriginal Corporation and Pejar LALC.
 - b. Evidence that the Additional consultation letter dated 16 May 2024 was provided to Burra Burra Aboriginal Corporation.
 - c. Any additional consultation completed with RAPs to ensure continuous consultation (e.g. project update letters) as required to address the matters outlined in Comment 2 above.

4. Appendix A7 contains an email dated 20 October 2023 from Diana Astin of Girragirra Murun requesting to register as a RAP for the project. Please clarify the outcome of this and whether or not this group has been included as a RAP for the project.
5. The ACHAR (including Executive Summary and Section 2), consultation log provided in Appendix A1 and consultation documentation provided in Appendices A2-A9 contains many errors and discrepancies, particularly regarding the dates/years recorded against different consultation stages. Please complete a thorough review of all consultation records and ensure that the information presented is accurate and complete. Examples of the errors/discrepancies that require correction and/or clarification include but are not necessarily limited to the following:
 - The Aboriginal community consultation overview in the Executive summary states that the Stage 4 review commenced on 26/08/2023 and ended on 23/09/2024. There are many similar references to incorrect years within the consultation log.
 - Section 2.2.3 of the ACHAR states that the Stage 1 Public notice advert was placed in Goulburn Post on 12 July 2024. However, the advert provided in Appendix A4 is dated to 17 July 2024.
 - The consultation log provided in Appendix A1 indicates that Agency notifications were sent on 10 November 2022. In contrast the Agency letters and emails provided in Appendix A2 are dated 11 October 2022.

Assessment of Aboriginal cultural heritage

6. Section 6.2.1 of the ACHAR indicates that test excavations were completed within areas assessed to be of high and moderate potential within the proposed disturbance footprint, however, it is unclear how these areas have been identified and defined. We note that the survey results presented in Section 7.1, for example, do not consider or discuss the potential for archaeological deposits within each survey unit. To address this, please update the ACHAR to include explanation around how areas of high and moderate archaeological potential were identified/defined and how it was assessed that the remaining areas within the proposed disturbance area were of low potential. Archaeological sensitivity mapping may help to address this.
7. Please update the site descriptions provided in Section 7.5 to include:
 - a. Details of how site extents/boundaries have been determined as per Requirements 6 and 7 of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (Code of Practice; DECCW 2010). This should include consideration of the potential for the site to extend beyond the recorded site extent, particularly in instances where low visibility may have affected the identification of surface artefacts and/or where a site was identified during testing and the potential for additional sub-surface artefacts remains in the surrounding unexcavated areas.
 - b. A clear outline of whether the artefact component of the site represents a surface and/or sub-surface expression.
 - c. An assessment/consideration of the potential for sites and/or landforms identified and assessed during the survey to contain archaeological deposits.
8. Please update Section 7.5 to include additional mapping showing the location of each site and its recorded boundary, noting that maps should be at a scale that is appropriate to the site and its

relationship to other sites, important features, the disturbance footprint/s and the project boundary and that multiple maps may be required to effectively convey this information.

9. The description of Wattle Creek 6 (AHIMS #52-4-0776) provided in Section 7.5 states that *"the site consists of a stone artefact scatter of more than 100 artefacts"* and the site extent is recorded as being 5m by 5m. Please clarify how the boundary of 5m by 5m was defined, whether the potential for this site to contain archaeological deposit has been considered, particularly in light of the discussion provided in Section 9.1 which: (a) indicates a potential pattern in the local region where surface artefact density generally provides an indication of subsurface artefact density and (b) states that *"high-to-moderate levels of archaeological sensitivity occur on elevated flats and terraces adjacent to higher-order streams and permanent water courses"* (pg.183)
10. Figure 7.57 (Results of the test excavations) shows a number of test pits that were excavated within an area situated to the north of Area 6 and Area 2. The figure indicates that artefacts were recovered from this area, however, the results of the testing within this area have not been discussed in the ACHAR and it is unclear whether the area has been registered as a site on Aboriginal Heritage Information Management System (AHIMS) consistent with artefacts having been recovered. We note that, while the area may now be outside of the proposed disturbance footprint, the results of assessment in this area must still be documented within the ACHAR consistent with the requirements for investigations undertaken under the Code of Practice. Please update the ACHAR to meet this requirement, confirm whether the area has been registered as a site on AHIMS and ensure that the significance and impact assessments are updated accordingly.
11. Figure 4.1 indicates that AHIMS #52-4-0778 is situated within proximity to the potential disturbance footprint for Transmission Line Option 2. The site card for AHIMS #52-4-0778 indicates that the site represents a potential archaeological deposit (PAD) measuring approximately 100m by 50m recorded by Austral on 6 February 2024. From the scale of the mapping, it is unclear whether the site has the potential to extend into the development corridor and there is no information or discussion of the site presented within the ACHAR. To address this:
 - a. Please update the ACHAR to include an outline of all sites and areas of PAD identified during the assessment for the current project.
 - b. Please confirm how it has been determined that AHIMS #52-4-0778 does not have the potential to extend into the proposed development footprint. Where there is potential for the site to extend into the proposed development footprint, test excavations will likely be required to investigate this.
12. A number of the descriptions provided in Section 7.5 for sites recorded during the survey indicate that artefact/s were identified eroding out of the ground surface (e.g. Wattle Creek 8 [AHIMS #52-4-0777], Wattle Creek 9 [AHIMS #52-4-0768] and Wattle Creek 18 [AHIMS #52-4-0805]). We note that such contexts are generally indicative of an original sub-surface location. With this in mind, please clarify whether these sites are considered to have PAD. Where this is the case and the site is proposed to be impacted, please clarify whether the site has been or will be subject to testing. Where the site is not proposed for impact additional testing would not be required, however the AHIMS site card must be updated to include 'PAD' as a feature to ensure appropriate assessment and management of the site in the future. Where the site has the potential to be impacted, and has not been subject to test excavation, this will likely be required.

13. Please clarify why Aboriginal site 'TME-OS2 with PAD' (AHIMS #52-4-0134) was not subject to test excavation. According to the site card, the site consists of an artefact scatter with PAD, however there are no details as to the extent of the PAD and whether there is potential for the site to extend into the proposed development footprint of Transmission Line Option 2 and/or the road access associated with the Solar Development Footprint. Where adequate justification cannot be provided, additional test excavation will likely be required to address this.
14. Please confirm whether the AHIMS site cards for sites that were identified during test excavations have been prepared to clearly identify the sub-surface context of the artefacts and include 'PAD' as a site feature where there is potential for additional sub-surface artefacts to be present within adjacent unexcavated areas.
15. Aboriginal sites AHIMS #52-4-0805 and AHIMS #52-4-0806 are registered on AHIMS in the exact same location (see Figure 11-1). Please confirm whether the correct co-ordinates have been used when registering both sites. Where an error in registration has occurred, please ensure the ACHAR and AHIMS records are updated to correct this, noting that the impact assessment will also likely require updating based on corrected locations.
16. Additional discussion is required to support the reassessment of the entire disturbance footprint as being of 'low archaeological sensitivity' as presented in Figure 9.1. This reassessment is inconsistent with the results presented in the ACHAR which have confirmed the presence of Aboriginal objects across the disturbance footprint.
17. Please update the ACHAR to provide clarification regarding the following discrepancies:
 - a. Section 7.1 indicates that a total of 18 new Aboriginal sites were identified during the survey completed as part of the ACHAR, however, the landform survey data presented in Table 7.2 indicates that the total number of sites within the landforms surveyed is only 6.
 - b. Table 8.1 indicates that a total of 15 artefacts were recovered during test excavations in contrast to earlier sections of the report (e.g. lithic analysis presented in Section 7.4) where the total number was noted to be 16.
 - c. Section 7.4 of the ACHAR states that 39 test pits were excavated resulting in 16 Aboriginal objects being recovered from 11 of the test pits. In contrast, the EIS states that a total of 79 test pits were excavated resulting in 25 stone artefacts being recovered from 13 test pits (pg.7).
 - d. Section 11 states that "*following the desktop, survey and excavation investigation a total of 35 sites were identified within the Project Area*". In contrast, Table 9.3 presents the scientific significance assessment of only 47 Aboriginal sites located within the Project Area while Figure 4-1 indicates that the number of sites within the Project Area may be more.

Significance assessment

18. Please update the significance assessment to include all sites within the defined Project Area assessed in the ACHAR regardless of whether they are within the proposed development footprint or not. We note that a number of sites appear to be missing (e.g. AHIMS #52-4-0778) and while the label for Table 9.3 indicates that the significance assessment includes all sites within the Project area, this does not appear to be the case.

Proposed works

19. We note that the proposed transmission line corridors (option A and option B) have been included in the current SSD application for the Solar Farm and have also been included in the SSD application for the standalone BESS being assessed under SSD-63345458. Please confirm whether the proposed transmission line works are to be undertaken the current SSD, the BESS SSD or both and update the ACHAR to provide clarification regarding the staging of works and the interaction with the related SSD project for the standalone BESS.

Impact assessment

20. Please update the impact assessment presented in Section 11 to include all Aboriginal sites identified within the Project Area for completeness. Noting that the current project is directly related to the standalone BESS being assessed under SSD-63345458, Heritage NSW also requests that impact assessment presented in Section 11 be updated to consider the cumulative impact of both projects by clearly articulating which Aboriginal sites are within the proposed disturbance area of the Solar Farm (current SSD), which are located within the proposed disturbance area of the standalone BESS (SSD-63345458), which sites are within the transmission line options (differentiating between the option A or option B alignments) and which sites are located outside of all disturbance areas. This is requested to ensure consistency in the proposed approach to managing Aboriginal sites within the shared Project Area and to ensure that those sites identified for avoidance in the current SSD can be avoided by both projects.

21. Please confirm whether the current impact assessment and disturbance footprint boundary relates to the most recent design revision. Specifically, we note the following discrepancies that require clarification:

- a. Table 11.1 identifies Wattle Creek AS 6 (AHIMS #52-4-0810) as a site that will be subject to total direct harm, however, Figure 11.1 indicates that this site is situated outside of the Solar Development Footprint.
- b. The report contains inconsistencies in the number of sites mentioned as being impacted by the Project. For example, the executive summary states that "*the Project will impact a total of 14 identified Aboriginal sites within the development footprint*" in contrast the impact assessment presented in Section 11 states that a total of 15 sites will be impacted by the construction of the Project.

22. Based on Figure 11.1 and Figure 11.2 a number of Aboriginal sites appear to be located within or very close to the proposed disturbance footprint for the project and it is unclear whether these sites have the potential to be impacted. To address this please:

- a. Provide updated or additional figures at an appropriate scale to clearly show the location of Aboriginal sites in relation to the Project area and proposed disturbance footprints. The boundary and extent of Aboriginal sites with artefact scatters and/or PADs must also be illustrated.
- b. Clarify the distance between the boundaries of the following Aboriginal sites to the proposed disturbance area and confirm whether there is potential for them to extend into the disturbance footprint and be impacted by the project: AHIMS #52-4-0134, AHIMS #52-4-0238, AHIMS #52-4-0766, AHIMS #52-4-0769, AHIMS #52-4-0770, AHIMS #52-4-0778, AHIMS #52-4-0781, AHIMS #52-4-0782 and AHIMS #52-4-0813.

23. Section 1.4 of the ACHAR indicates that the project includes targeted road network upgrades to facilitate delivery of solar farm components to the Project Area. Please clarify the location/s where targeted road upgrades may be required, whether the proposed upgrade works in these locations will result in ground disturbance (e.g. road widening etc.) and if so, whether the potential for impacts to Aboriginal cultural heritage objects and values has been considered and assessed in relation to these works/locations. Please note that the impact assessment must also consider any road upgrade works that may be required along any transport routes (e.g. upgrades to accommodate 'over size, over mass vehicle' [OSOM] transporting components to the Project Area).

Management measures

24. We note that Section 12.3 indicates that a community salvage program is recommended to mitigate harm to sites proposed for impact and states that this will occur at "*five artefact sites and 2 artefact scatter sites*", however, no information is provided in relation to which sites these are. It is also unclear what management measures, if any, are proposed for the other sites to be impacted by the project. Please update Section 12 to include a table which clearly identifies the site-specific management measures for all Aboriginal sites within the Project Area including those to be avoided, those to be subject to community collection and those to be subject to unmitigated harm.

25. The ACHAR and EIS contain discrepancies in the proposed management measures to be implemented for Aboriginal sites that will be impacted by the project. The EIS, for example states that "*Strategies to further manage and mitigate the extent of impact to these sites... include a staged salvage excavation of sites Wattle Creek 3 (AHIMS # Pending), Wattle Creek 17 (AHIMS # Pending) and Wattle Creek 18 (AHIMS # Pending), with additional surface collection at the remaining sites within the Development Footprint*" (pg. 144). In contrast, the ACHAR does not include any recommendations relating to staged salvage excavation. Please clarify this discrepancy.

26. Please clarify whether any Aboriginal sites located within proximity to the disturbance footprint require protective fencing during construction to ensure their protection/avoidance. We note that the following Aboriginal sites appear to be in proximity to the proposed disturbance footprint and therefore may warrant consideration of additional measures (such as protective fencing) to ensure no inadvertent harm during construction: AHIMS #52-4-0134, AHIMS #52-4-0238, AHIMS #52-4-0766, AHIMS #52-4-0769, AHIMS #52-4-0770, AHIMS #52-4-0778, AHIMS #52-4-0781, AHIMS #52-4-0782 and AHIMS #52-4-0813.

27. Please update Section 13 to include a specific recommendation for including provisions for community collection and salvage within the proposed Aboriginal cultural heritage management plan (ACHMP) consistent with information in Section 12.3 of the ACHAR.