

Our ref: HMS ID 10356

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Letter uploaded to the Major Projects Planning Portal

Advice on Environmental Impact Statement – State Significant Development

Proposal: Wattle Creek Battery Energy Storage System

Major Project reference: SSD-63345458

Received: 8 May 2025

Dear Pragya,

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 standalone battery energy storage system (BESS) with 350 MW capacity and project-related infrastructure. It is further understood that the applicant will also be seeking approval for a hybrid solar farm with generation capacity of up to 265 megawatt (MW) combined with a 100 MW BESS which is being assessed under a separate approval process covered by SSD-63344210.

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

- Relevant sections of the Environmental Impact Statement: Wattle Creek Battery Energy Storage System – prepared by Umwelt (Australia) Pty Limited, dated 18 March 2025
- Appendix 8: Aboriginal Cultural Heritage Assessment Report – Wattle Creek Battery Energy Storage System – 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 related assessment prepared for SSD-63344210 which has been reviewed by Heritage NSW concurrently under a separate referral (our reference HMS 10354). 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-63345458

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. Section 6.1.1 of the ACHAR states that one of the objectives of the survey was to "*re-identify previously recorded Aboriginal archaeological site (AHIMS #52-4-0237)*" (Pg.76) however, there is no discussion of this site in the survey results presented in Section 7.1. Please update the ACHAR to include clarification regarding whether the site was re-identified during the survey and provide the results of any additional recording/assessment relating to site condition etc.
10. Figure 7.35 (Results of the test excavations) shows a number of test pits that were excavated within an area situated to the south of Area 6 and Area 2. The figure indicates that artefacts were recovered from these areas, however, these results have not been discussed in the ACHAR, and it is unclear whether these areas have been registered as Aboriginal sites on Aboriginal Heritage Information Management System (AHIMS) consistent with artefacts having been recovered. We note that, while the areas 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 update the significance and impact assessments accordingly.
11. Figure 7.52 shows a series of eight (8) test pits that were excavated outside of the proposed BESS development corridor within 'Testing Area 6'. According to the figure three (3) sub-surface artefacts were recovered from test pits in this area. The ACHAR, however, does not include discussion of these test pits (i.e. they are not included in the 40 test pits noted as being excavated to inform the ACHAR) and it is unclear how these artefacts have been interpreted and recorded. Please clarify this discrepancy and confirm whether these artefacts are captured within the extent of any Aboriginal site/s recorded within Area 6 or whether they have been registered as a new site. As with our previous comment, the ACHAR must be updated to include these results and meet the requirements of the Code of Practice.
12. Figure 11.1 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.
13. Section 9.1 refers to "the lone high-density artefact scatter, Wattle Creek 6 (AHIMS #52-4-0776) recorded during the field survey" (pg.152) however there is no discussion of this site in the survey results presented in Section 7.5 (Identified Aboriginal sites) or in the site analysis presented in Section 8 (analysis and discussion). As per our previous comments, the ACHAR must be updated

to include the results of all assessment that has been completed for the project and must be documented to meet the requirements of the Code of Practice.

14. Figure 11.1 indicates that Wattle Creek 9 (AHIMS #52-4-0768) is situated within the proposed BESS disturbance footprint, however, no information regarding the original recording /identification of the site has been included in the ACHAR. Please update the ACHAR to address this.
15. The site description for Wattle Creek 18 (AHIMS #52-4-0805) provided in Section 7.5 indicates that artefact was identified eroding out of an exposure at the base of a stringy bark tree. We note that where an artefact is identified eroding out of the ground surface this is generally indicative of an original sub-surface context. With this in mind, please clarify whether Wattle Creek 18 (AHIMS #52-4-0805) is 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.
16. 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. Where adequate justification cannot be provided, additional test excavation will likely be required to address this along with updates to the impact assessment.
17. 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.
18. 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.
19. 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.
20. Please update the ACHAR to provide clarification regarding the following discrepancies:
 - a. Section 7.5 states that a total of 9 new Aboriginal sites were identified during the survey completed as part of the ACHAR, however, the survey landform survey data presented in Table 7.2 indicates that the total number of sites within the landforms surveyed is only 6.

- b. Section 7.4.1 (Results of analysis) of the ACHAR states that a total of 17 Aboriginal stone artefacts were recovered during the testing program. In contrast, data presented in Table 8.1 indicates that a total of 15 artefacts were recovered during the testing.
- c. Section 7.4.1 of the ACHAR states that 40 test pits were excavated resulting in 17 Aboriginal objects being recovered from 8 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 48 sites were identified within the Project Area", however, only 33 sites are considered in the impact assessment. Further, Table 9.3 presents the scientific significance assessment for only 47 Aboriginal sites located within the Project Area.
- e. Figure 4.1 (AHIMS Sites within and adjacent to the Project Area) is missing from the ACHAR.

Significance assessment

- 21. 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. The label for Table 9.3 indicates that the significance assessment includes all sites within the Project area, however this does not appear to be the case.

Proposed works

- 22. We note that the proposed transmission line corridors (option A and option B) have been included in the current SSD application for the BESS and have also been included in the SSD application for the solar farm being assessed under SSD-63344210. Please confirm whether the proposed transmission line works are to be undertaken the current SSD, the solar 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 solar farm.

Impact assessment

- 23. 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.
- 24. 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. The Environmental Impact Statement (EIS) states that eight (8) Aboriginal sites will be impacted by the project (pg.127) in contrast the ACHAR which states that nine (9) Aboriginal

sites will be impacted. We note that there are also differences in the sites identified as being impacted between the EIS and ACHAR (e.g. compare Table 6.27 in the EIS with Table 11.1 in the ACHAR)

- b. The impact assessment presented in Table 11.1 of the ACHAR indicates that Wattle Creek 17 (AHIMS #52-4-0806) and Wattle Creek 18 (AHIMS #52-4-0805) will be subject to total direct harm as a result of the project. In contrast, Figure 11.1 of the ACHAR places both of these sites outside of the proposed disturbance corridor, indicating that avoidance should be possible.
 - c. Figure 11.1 indicates that Wattle Creek 9 (AHIMS #52-4-0768) is situated within the proposed BESS disturbance footprint, however, the site has not been considering in the impact assessment presented in the ACHAR.
 - d. Figure 11.1 indicates that Wattle Creek AFT 14 (AHIMS #52-4-0808) is situated within the disturbance footprint for Transmission Line Option 1 and therefore has the potential to be impacted by the project, however, the site has not been considered in the impact assessment.
25. Based on Figure 11.1 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 clearly 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 and AHIMS #52-4-0778.
26. Section 1.4 of the ACHAR indicates that the project includes minor upgrades to the existing site access point from Canyonleigh Road and internal access roads. Please clarify whether these proposed update works 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

27. 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 "*six artefact sites and 3 artefact scatter sites*", however, no information is provided in relation to which sites these are. Please update Section 12 to include a table which clearly identifies the site-specific management measures proposed 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.
28. Please clarify whether any Aboriginal sites located within proximity to the disturbance footprint require protective fencing during construction to ensure their protection/avoidance.

29. Figure 2.8 in the EIS includes an 'Aboriginal heritage avoidance area', however, there is no information provided in the EIS regarding how this area has been defined and what it means in terms of management. Furthermore, there is no mention of an 'Aboriginal heritage avoidance area' within the ACHAR provided in support of the EIS. Please clarify this discrepancy and provide additional information regarding the proposed 'Aboriginal heritage avoidance area' mentioned in Figure 2.8 of the EIS.