

Our ref: HMS ID 10497

Nestor Tsambos
Department of Planning, Housing and Infrastructure
nestor.tsambos@dpie.nsw.gov.au

Letter uploaded to the Major Projects Planning Portal

Advice on Environmental Impact Statement – State Significant Development

Proposal: Brewongle Solar Farm

Major Project reference: SSD-64834490

Received: 21 May 2025

Dear Nestor,

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 construction, operation and decommissioning of a photovoltaic solar facility, a batter energy storage system (BESS) and associated infrastructure at 315 Tarana Road, Brewongle. The project is further understood to include works associated with local road network upgrades including upgrades to Tarana Road site access.

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

- Relevant sections of the Environmental Impact Statement: Brewongle Solar Farm and BESS – prepared by Environmental Resources Australia Pty Ltd, dated 25 March 2025
- Appendix H: Aboriginal Cultural Heritage Assessment Report- Brewongle Solar Farm – prepared by OzArk Environment & Heritage, dated March 2025

The Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared with reference to the relevant guidelines as required by the Secretary’s Environmental Assessment Requirements (SEARs). The survey completed as part of the assessment resulted in the identification of four areas of potential archaeological deposits (PAD) along Salt Water Creek (Salt Water Creek PAD 1 to 4) in the north of the assessment area. The ACHAR outlines that the location of these areas of PAD have been taken into consideration in the design of the proposal which has resulted in the avoidance of all areas of PAD across the development footprint. As such, all PADs are proposed to be conserved in the landscape and no further investigation or assessment is proposed. Based on our review, however, Heritage NSW recommends that Planning request additional information and/or clarification from the

applicant prior to considering project approval. Specifically, we request that the detailed comments provided in **Attachment 1** be addressed.

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*
18 June 2025

Attachment 1: Detailed Aboriginal cultural heritage advice on SSD-64834490

Aboriginal community consultation

1. Heritage NSW requests additional Aboriginal community consultation documentation to demonstrate complete and adequate consultation. We note that the inclusion of example letters and/or providing only copies of responses received is not sufficient to demonstrate complete and adequate consultation. With this in mind, please provide the following:
 - a. Copies of all Stage 1 Agency notifications and responses received.
 - b. Evidence that the Stage 1 letter requesting registration of interest in the project was sent out to all potential Aboriginal cultural heritage knowledge holders (groups or individuals) who were identified during the stage 1 Agency notification process and copies of all responses received.
 - c. Evidence that the Stage 2/3 assessment methodology was provided to all Registered Aboriginal Parties (RAPs).
 - d. An unredacted copy of the project update email sent on Monday 3 June 2024 (Appendix 1 Figure 7) as evidence that all RAPs were contacted.
 - e. Evidence that the Stage 4 Draft ACHAR was provided to all RAPs.

Evidence of the above can comprise of copies of all dated email records with all relevant email addresses shown and copies of all responses received and may be provided to Heritage NSW separately for our review/records.

2. Information in the Aboriginal community consultation log presented in Appendix 1 indicates that Wiradjuri Traditional Owners Central West Aboriginal Corporation was added as a late registration to the RAP list. Please update the list of RAPs provided in Section 3.2.1 of the ACHAR to include this group and provide evidence that they have been sent a copy of the draft ACHAR for review and comment.

Proposed works, impact assessment and management and mitigation measures

3. Section 6.1 (Sampling strategy and field methods) states that: "*the proposed intersection upgrade areas outside the study area was also surveyed*". Please update the ACHAR to include the results of the survey in this area including relevant mapping, impact assessment and proposed management measures (where required).
4. Noting that test excavations are typically required to define the nature and extent of potential archaeological deposits (PADs), additional information is requested to confirm how the extents have been defined and by extension, how it has been determined that the PADs do not have the potential to extend beyond the defined boundary into the impact area. To address this, please update Section 6.4 to clearly articulate how the boundaries of the PADs have been defined / 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).
5. Please provide additional information regarding the nature of proposed works (if any) associated with the internal roads and boundary fencing within the assessment area and clarify whether there is potential for impacts to 'Saltwater Creek PAD 2'. We note that Figure 8-1 shows an internal road

and boundary fencing traversing the mapped southern boundary of Saltwater Creek PAD 2. Where any ground disturbance works are required to establish, maintain and/or utilise the access roads and/or install the boundary fencing which may result in impacts to the PAD, additional investigation in the form of test excavations will be required.

6. We note that according to Figure 8-1, Saltwater Creek PAD 3 is situated adjacent to and directly west of the proposed easement corridor. We further note that mapping in the draft assessment methodology (Stage 2/3 consultation letter) sent to RAPs and provided in Appendix 1 shows the existing Transgrid pole in the vicinity of the PAD.
 - a. Please clarify the nature of works (if any) required within the proposed easement corridor and/or associated with connecting to the existing TransGrid Transmission Line including an outline of any ground disturbance activities.
 - b. Please also clarify how it has been determined that such works do not have the potential to impact the PAD.
7. The ACHAR recommends protective fencing of PADs prior to construction to avoid inadvertent impacts. Heritage NSW recommends including a buffer to allow a sufficient exclusion zone around PADs whose extents have not been tested, and to account for variation in the accuracy of equipment used to map the extent of these areas, noting that hand-held GPS equipment typically only offers horizontal accuracy within 5 to 15 meters under ideal conditions.
8. As per Section 89A of the National Parks and Wildlife Act 1974, please ensure that all sites, including untested areas of PAD, have been registered with Aboriginal Heritage Information Management System (AHIMS). In this instance, Heritage NSW requests that the four PADs (Saltwater Creek PAD 1 to 4) that are proposed for avoidance be registered on AHIMS to ensure that they are appropriately assessed and managed in the future should any works be proposed in these areas.
9. Please amend the Aboriginal heritage unanticipated finds protocol outlined in Appendix 3 to replace the heritage mailbox email address with the contact details for Planning's Compliance Mailbox <compliance@planning.nsw.gov.au>.