

Our ref: HMS ID 11476

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Letter uploaded to the Major Projects Planning Portal

Advice on Modification Report – State Significant Development

Proposal: Birriwa Solar Farm (SSD-29508870)- Modification 1

Major Project reference: SSD-29508870

Received: 13 August 2025

Dear Cameron,

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

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

- Birriwa Solar and Battery Project Modification Report - prepared by EMM, dated 11 July 2025
- Appendix F: Aboriginal Cultural Heritage Assessment Report - prepared by OzArk Environment & Heritage, dated May 2025

Heritage NSW note that as per Condition of Consent B30 of approval SSD-29508870, an Aboriginal Cultural Heritage Management Plan (ACHMP) is required to be prepared prior to commencement of construction activities. To date, ACHMP has not been issued to Heritage NSW for review.

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. Additional information is required in relation to the following matters detailed in **Attachment A**.

Please note that the above comments relate only to Aboriginal cultural heritage regulation matters. If you have any questions about this correspondence, please contact Sarah McGuinness, 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*

28 August 2025

Attachment A - Detailed Aboriginal Cultural Heritage Advice

Aboriginal Community Consultation

1. Please provide the unredacted Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared for the modification, including evidence of emails issued to the Registered Aboriginal Parties (RAPs).
2. Please provide discussion around the comments from Warrabinga Native Title Claimants Aboriginal Corporation noted in Appendix 1 Figure 13 regarding trust and accountability. Please provide details of any response from ACEN to Warrabinga Native Title Claimants Aboriginal Corporation addressing this concern.

Archaeological Assessment

3. Heritage NSW note that the survey tracks shown in Figure 6.2 of the ACHAR do not provide full coverage of the project area. In accordance with Requirement 5 of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010), full survey coverage is required unless clear justification is provided. In consideration of this:
 - a. Additional survey is required to cover currently unsurveyed areas. Please update the ACHAR to include additional survey tracks, discussion of additional survey areas and any updates to the predictive model and conclusions.
4. Please provide further discussion regarding potential harm to scarred tree AHIMS # 36-3-3918 (Birriwa Bus Route South ST-1). The potential indirect impact to the site via road build-up within the dripline should be assessed by an arborist. We note that *in-situ* conservation is the preferred approach of both Heritage NSW and project RAPs (Section 3.2.4, Appendix 1 Figure 13).