

Appendix E: ACHA Addendum

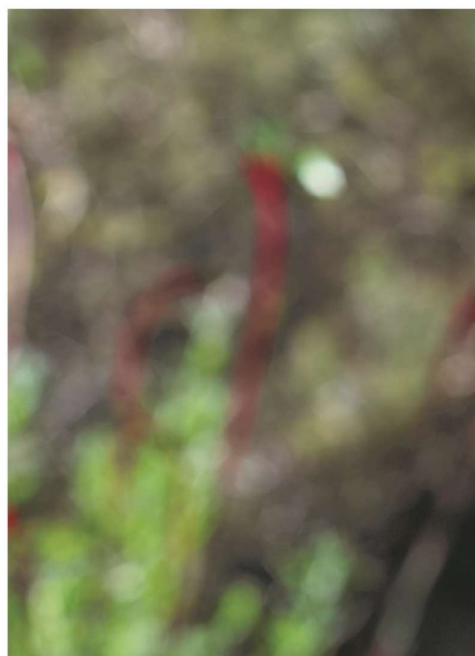


SECOND ADDENDUM ABORIGINAL CULTURAL HERITAGE ASSESSMENT

Rye Park Wind Farm Additional Areas

February 2021

Project Number: 19-143



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TABLE OF CONTENTS

Introduction	1
Aboriginal Consultation	1
Archaeological Context	1
Survey results	1
Potential Impacts.....	2
Recommendations	2
1 Introduction.....	1
1.1 Proposed Additional Areas	1
1.2 Project Personnel	5
1.3 Report Format.....	5
2 Aboriginal Consultation	6
2.1 Aboriginal Community Feedback.....	7
3 Review of Aboriginal Archaeological Context	8
3.1.1 AHIMS Search.....	8
3.1.2 Other Register Searches	13
3.1.3 Rye Park Wind Farm Archaeological Background.....	14
3.1.4 Archaeological Site Location Model.....	18
3.1.5 Comment on Existing Information	19
4 Archaeological Investigation Results.....	20
4.1 Survey strategy	20
4.2 Survey coverage.....	20
4.3 Survey Results.....	24
4.3.1 Stone Artefacts.....	25
4.3.2 Culturally Identified Sites	32
4.4 Discussion	32

5 Cultural heritage values and statement of significance.....	33
6 Proposed Activity.....	34
6.1 History and Landuse	34
6.2 Proposed Development Activity	34
6.3 Assessment of Harm.....	35
6.4 Impacts to Values.....	35
7 Avoiding or Mitigating Harm	37
7.1 Consideration of ESD Principles	37
7.2 Consideration of Harm.....	37
7.3 Mitigation of Harm	37
9 Legislative Context	38
10 Recommendations	39
11 References	41

FIGURES

Figure 1-1. General proposal area.	3
Figure 1-2. Rye Park Wind Farm – Additional Proposal Areas.....	4
Figure 3-1. AHIMS search results.	9
Figure 3-2. AHIMS sites within the project area.	10
Figure 4-1. Field Survey Results.	28
Figure 4-2. Field Survey Results: IF17, IF18.	29
Figure 4-3. Field Survey Results: AFT 7, IF19.	30
Figure 4-4. Field Survey Results: Cultural Tree	31

TABLES

Table 3-1 Breakdown of previously recorded Aboriginal sites in the region.	8
Table 3-2 Sites recorded during initial survey and addendum survey of the Rye Park Wind Farm (NSW Archaeology 2013a & 2015).....	11

Table 3-2 Sites recorded during initial survey and addendum survey of the Rye Park Wind Farm (NSW Archaeology 2013a & 2015).....	12
Table 3-3 Historic Heritage listing of local significance within 5km of the proposal area.....	13
Table 3-4. Aboriginal heritage items – avoid impacts.....	16
Table 3-5. Aboriginal heritage items – minimise impacts.	17
Table 3-6. Aboriginal heritage items – excavations	17
Table 4-1 Transect information.....	21
Table 6-1. Identified risk to sites recorded for this Addendum.....	36

ACRONYMS AND ABBREVIATIONS

ACHA	Aboriginal Cultural Heritage Assessment
AFT	Artefact Scatter
AHIMS	Aboriginal heritage information management system
ASL	Above sea level
BCD	(former) NSW Biodiversity and Conservation Division, now Heritage NSW
DECCW	Department of Environment, Climate Change and Water was previously responsible for heritage matters in NSW before becoming the Office of Environment and Heritage in 2011
DPIE	Department of Planning, Industry and Environment
EIA	Environmental impact assessment
ESD	Ecologically Sustainable Development
ha	hectares
IF	Isolated Find
km	kilometres
LALC	Local Aboriginal Land Council
LEP	Local Environment Plan
m	metres
NPW Act	<i>National Parks And Wildlife Act 1974 (NSW)</i>
NSW	New South Wales
OEH	(former) Office of Environment and Heritage NSW, now Heritage NSW
PAD	Potential Archaeological Deposit
RAP	Registered Aboriginal Party
RPWF	Rye Park Wind Farm
SEARs	The Secretary of the Department of Planning and Environment Environmental Assessment Requirements
SSD	State Significant Development

EXECUTIVE SUMMARY

INTRODUCTION

NGH Pty Ltd (NGH) was contracted by Rye Park Renewable Energy Pty Ltd to undertake an Aboriginal Cultural Heritage Assessment (ACHA), including an initial addendum, for the proposed modification application for the State Significant Development (SSD) project, the Rye Park Wind Farm (RPWF) (Development Consent SSD 6693). Subsequent to the finalisation of the Rye Park Wind Farm Modification ACHA and initial addendum, additional areas outside the previous heritage assessment, totalling 39.3 ha, were identified for inclusion in the modified Rye Park Wind Farm footprint (Figure 1-2). These areas are referred to in this addendum report as the additional areas.

It is understood that ground disturbance associated with the proposed additional areas of the Rye Park Wind Farm modification footprint have the potential to impact on Aboriginal heritage sites and objects which are protected under the NSW *National Parks and Wildlife Act 1974* (NPW Act).

This addendum report documents the Aboriginal heritage assessment undertaken for the 39.3 ha for the proposed additional areas of the RPWF modification footprint to investigate the presence of any Aboriginal sites, assess impacts to cultural heritage values, continue to consult with the registered Aboriginal parties and provide management strategies to mitigate any potential impacts within the additional areas. This addendum report is intended to be read in conjunction with the original ACHA: Rye Park Wind Farm Modification (NGH 2020) and Addendum ACHA: Rye Park Wind Farm Additional Areas (NGH 2020).

ABORIGINAL CONSULTATION

The consultation with Aboriginal stakeholders has been undertaken in accordance with clause 80C of the *National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010* and updated clause 60 of the *National Parks and Wildlife Amendment Regulation 2019* following the consultation steps outlined in the *Guidelines for Aboriginal cultural heritage consultation requirements for proponents 2010* (ACHCRP). All consultation undertaken for the original RPWF Modification ACHAR is outlined and documented in the original report. Consultation about the additional areas has been a continuation of this process in accordance with advice provided by Heritage NSW.

ARCHAEOLOGICAL CONTEXT

Based on previous findings in the region, including archaeological surveys and site recordings within the Rye Park Wind Farm, there is potential for archaeological evidence to occur throughout the proposed additional areas of the Rye Park Wind Farm. This is most likely to be in the form of stone artefacts, scarred trees or as potential archaeological deposits (PAD).

SURVEY RESULTS

Survey transects were undertaken on foot and traversed the proposed additional areas. While the survey was impeded by poor visibility across the majority of the proposed additional areas, a number of exposures were present that were inspected. There were three isolated stone artefacts, and one artefact scatter recorded as a result of the survey. One tree with cultural significance was also identified by Aboriginal Community representatives during the fieldwork, which, although not archaeological, holds cultural significance to the local Aboriginal community.

POTENTIAL IMPACTS

There were four Aboriginal archaeological sites located during the survey for the proposed additional areas to the Rye Park Wind Farm Modification. The current and previous archaeological investigations of the proposal area have clearly identified that there are Aboriginal archaeological sites present within the proposal area. The proposed works in additional areas for the modified RPWF development will have the potential to harm archaeological sites. The identified Aboriginal objects will not be individually harmed, with the harm coming from the destruction of the archaeological context of the site. It would be proposed that all Aboriginal objects facing harm as a result of the modified development be mitigated through salvage collection and reburial in a safe location, as outlined in Section 7.3.

RECOMMENDATIONS

It is recommended that:

1. The archaeological sites within the proposed additional areas have presented a low-density concentration of surface artefacts that have been assessed to hold a low scientific value. Based on the assessment of the sites and in consideration of discussions with the Aboriginal representatives during the fieldwork, it is not considered necessary to prevent all development of the proposal area, or for total avoidance of the Aboriginal heritage sites identified within the proposed works corridors.
2. Prior to development works commencing, all surface artefacts facing potential harm are collected during a salvage program, by a qualified archaeologist and RAP representatives, in accordance with the Conditions of Consent. Any artefacts collected would be buried in consultation with the Aboriginal community and would be in line with Requirement 26 of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW*. All AHIMS site cards must be updated to reflect that salvage has been undertaken and to record the reburial locations of artefacts. This includes all artefacts described in Section 4.3.1 of this report as:

Site Name	AHIMS Site ID	Site Type
AFT 7	51-5-	Artefact Scatter
IF17	51-5-	Isolated Artefact
IF18	51-5-	Isolated Artefact
IF19	51-5-	Isolated Artefact

3. The works within the proposed additional areas should avoid the identified cultural tree outlined in section 4.3.2 of this report.
4. If any objects suspected of being Aboriginal in origin are located in areas that fall outside the Modified Conditions of Consent (Development Consent SSD 6693), work must stop, and Heritage NSW notified.
5. In the unlikely event that human remains are discovered during the development works, all work must cease in the immediate vicinity. Heritage NSW, the local police and the RAPs should be notified. Further assessment would be undertaken to determine if the remains were Aboriginal or non-Aboriginal.
6. Further archaeological assessment would be required if other proposed activity extends beyond the area of the current or previous investigations, as per Condition 25 of the CoC and the Archaeological Management Plan (2004 draft v4). This would include consultation

with the registered Aboriginal parties and may include further field survey and subsurface testing.

1 INTRODUCTION

NGH Pty Ltd (NGH) was contracted by Rye Park Renewable Energy Pty Ltd to undertake an Aboriginal Cultural Heritage Assessment (ACHA) for the proposed modification application for the State Significant Development (SSD) project, the Rye Park Wind Farm (RPWF) (Development Consent SSD 6693). An Aboriginal Cultural Heritage Assessment Report (ACHAR) for the modification area was prepared and the draft document was sent to the Registered Aboriginal Parties (RAPs) for review and comment before being finalised (NGH 2020). Following the finalisation of the ACHAR, additional areas were identified requiring further assessment, resulting in the completion of the first Addendum ACHAR (NGH 2020).

Subsequent to the finalisation of the Rye Park Wind Farm Modification ACHA and first addendum, additional areas outside the previous heritage assessment were identified for inclusion in the modified Rye Park Wind Farm footprint (Figure 1-2). These areas are referred to in this second addendum report as the additional areas and cover a combined total of 39.3 ha.

As with the previously completed heritage assessments, it is understood that ground disturbance associated with the proposed additional areas of the Rye Park Wind Farm modification footprint have the potential to impact on Aboriginal heritage sites and objects which are protected under the NSW *National Parks and Wildlife Act 1974* (NPW Act).

This addendum report documents the Aboriginal heritage assessment undertaken for the 39.3 ha for the proposed additional areas of the RPWF modification footprint to investigate the presence of any Aboriginal sites, assess impacts to cultural heritage values, continue to consult with the registered Aboriginal parties and provide management strategies to mitigate any potential impacts within the additional areas. This addendum report is intended to be read in conjunction with the original ACHA: Rye Park Wind Farm Modification (NGH 2020) and Addendum ACHA: Rye Park Wind Farm Additional Areas (NGH 2020) as the background analysis, predictive modelling and general discussion detailed therein continues to be relevant to the analysis undertaken in this addendum and are therefore not repeated.

It is intended that this addendum report will be submitted as part of the Rye Park Wind Farm Modification Application. Continued Aboriginal consultation, survey results, coverage and impact assessment are detailed in this addendum to inform the recommendation and mitigation strategies to minimise impacts within the additional areas for the Rye Park Wind Farm modification.

1.1 PROPOSED ADDITIONAL AREAS

The proposed additional areas for this addendum for the Rye Park Wind Farm modification footprint covers a combined total area of 39.3 ha outside of the previously assessed areas. The additional areas include:

- A section of proposed work area adjacent to Dalton-Rye Park Road
- Small section adjacent to Boorowa Road, Boorowa
- A revised access track.
- A revised OHTL line.
- Revised civil disturbance at WTG67, WTG39, and WTG128.

The proposed additional areas to the modification footprint include portions of privately owned property within the Rye Park Wind Farm as well as road reserve areas along Rye Park – Dalton Road, Blakney Creek and the north eastern intersection at Boorowa Road and Long Street, Boorowa.

Second Addendum Aboriginal Cultural Heritage Assessment

Rye Park Wind Farm Additional Areas

The proposed additional areas for the RPWF modification footprint are shown in Figure 1-2. This includes all land likely to be directly impacted by the proposed additional areas that are assessed in this addendum two report.

Second Addendum Aboriginal Cultural Heritage Assessment
Rye Park Wind Farm Additional Areas

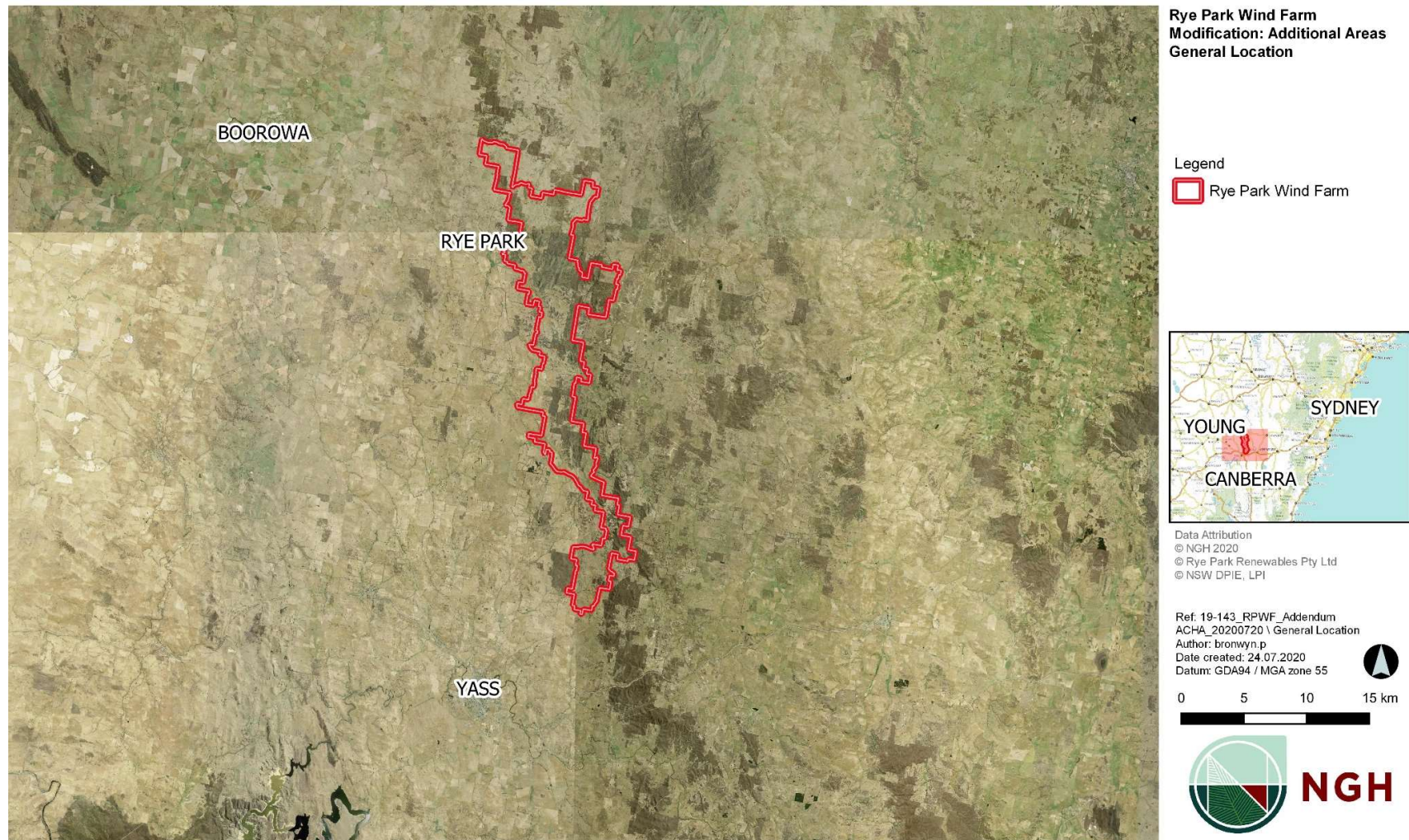


Figure 1-1. General proposal area.

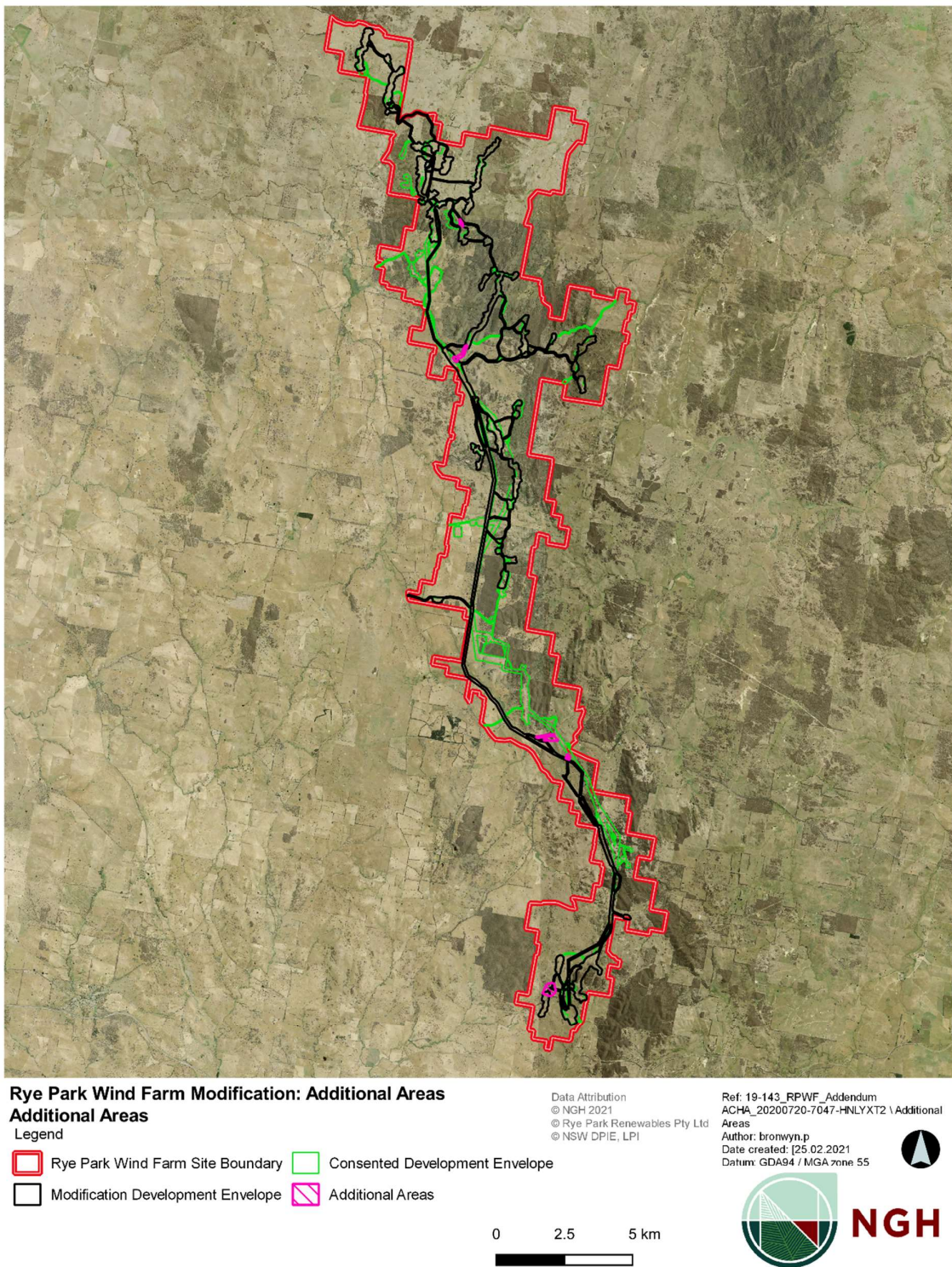


Figure 1-2. Rye Park Wind Farm – Additional Proposal Areas.

1.2 PROJECT PERSONNEL

The addendum assessment was undertaken by NGH archaeologist Bronwyn Partell, including research, Aboriginal community consultation, field survey and report preparation. NGH archaeologist Jorge Fuenzalida also attended the field survey, and Matthew Barber reviewed the report.

The fieldwork for the proposed additional areas was organised and the two registered parties who participated in the previous modification proposal fieldwork (2019-2020) were again asked to participate in the fieldwork (Onerwal LALC and the Buru Ngunawal Aboriginal Corporation). The fieldwork was conducted over two days between the 17th and 18th of February 2021.

Further detail and an outline of the consultation process is provided in Section 2.

1.3 REPORT FORMAT

The purpose of this addendum ACHA report is to provide an assessment of the Aboriginal cultural values associated with the proposed additional areas to the Rye Park Wind Farm Modification and to assess the cultural and scientific significance of any identified Aboriginal heritage sites within the proposed additional areas in the context of the larger wind farm assessment.

The objectives of the assessment were to:

- Continue Aboriginal consultation as specified in clause updated clause 60 of the *National Parks and Wildlife Amendment Regulation 2019*, using the consultation process outlined in the ACHCRP;
- Undertake an assessment of the archaeological and cultural values of the proposed expansion areas and any Aboriginal sites therein;
- Assess the cultural and scientific significance of any archaeological material;
- Assess the potential impacts of the proposal on the heritage objects, and
- Provide management recommendations for any objects found.

As the Modification Application has already been submitted for assessment to the Department of Planning, Industry and Environment (DPIE), these additional areas have been assessed through an Addendum ACHA of the Modification Application.

For consistency, we have assumed that an Aboriginal Cultural Heritage Assessment (ACHA) is required, as per the original development Secretary's Environmental Assessment Requirements (SEARs). Advice provided from Heritage NSW regarding the proposed modifications confirmed that this additional assessment is viewed as a continuation of the original project and continued consultation with the Registered Aboriginal Parties (RAPs) for the Rye Park Wind Farm is sufficient in this instance and new advertisement for the Modification is not required.

For the purposes of this assessment, we have prepared the report in accordance with the following:

- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011);
- *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales* (OEH 2010a), and
- *Aboriginal cultural heritage consultation requirements for proponents 2010* (ACHCRP) (OEH 2010b).

2 ABORIGINAL CONSULTATION

It had been confirmed previously by BCD (now Heritage NSW) that the additional assessment required for the modification areas is considered as a continuation of the Rye Park Wind Farm project. Consequently, continued consultation with the previously Registered Aboriginal Parties (RAPs) for the Rye Park Wind Farm is considered adequate in this instance. Accordingly, we have assumed this is still the case for the additional area of this addendum report.

As outlined in the ACHAR, the consultation process began in 2012 for the Aboriginal Cultural Heritage Assessment Report (ACHAR) (Dibden, 2013). Consultation with Aboriginal stakeholders was undertaken in accordance with the guidelines set out in the *Draft Guidelines for Aboriginal Cultural Heritage Impact Assessment and Community Consultation* (NSW DEC July 2005) and OEH's *Aboriginal cultural heritage consultation requirements for proponents 2010* (NSW DECCW 2010b).

As a result of this process, five Aboriginal groups registered their interest in the project as listed below;

- Onerwal LALC;
- Buru Ngunawal Aboriginal Corporation;
- Gundungurra Aboriginal Heritage Association Inc;
- Carl and Tina Brown; and
- Gunjeewong Cultural Heritage Aboriginal Corporation.

NGH has consulted with the Aboriginal community throughout the modification assessment, in line with the OEH *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*. To date this has included the following steps:

- Confirmation from BCD (now Heritage NSW) that continued consultation for the RAPs for the Rye Park Wind Farm is considered adequate in this instance on the 5th of July 2019; and
- Notification of the proposed modifications and need for additional survey to the Registered Aboriginal Parties on the 15th August 2019.
- The methodology was provided to the RAPs for comment on 22nd August 2019, with no comments received in reply.
- Fieldwork was completed with participation from representatives of the Onerwal LALC and Buru Ngunawal Aboriginal Corporation.
- Draft ACHAR sent to RAPs for comment on 6th April 2020, with no comments received in reply.
- Notification of the addendum ACHA, additional areas and the need for field survey was sent to the RAPs on 30th June 2020.
- Fieldwork was completed with participation from representatives of the Onerwal LALC and Buru Ngunawal Aboriginal Corporation.
- Draft Addendum ACHA sent to RAPs for comment 22nd December 2020, with no comments received in reply.
- Notification of the 2nd addendum ACHA, additional areas and the need for field survey was sent to the RAPs on 22nd December 2020.
- Fieldwork was completed with participation from representatives of the Onerwal LALC and Buru Ngunawal Aboriginal Corporation, 17th and 18th February 2021.
- Draft 2nd Addendum ACHA sent to RAPs for comment this document.

The RAPs were informed of the proposed changes to the modification footprint, referred to as the additional areas. They were informed the methodology for the field survey of the additional areas is in line with that of the main Wind Farm Modification assessment and the RAPs who participated in the initial ACHA survey were then asked to participate in the survey of the additional areas. The fieldwork was carried out on the 17th and 18th of February 2021 by NGH archaeologists Bronwyn Partell and Jorge Fuenzalida Mirrales with two

representatives from the Aboriginal community, Cynthia Bell (Onerwal LALC) and Wally Bell (Buru Ngunawal Aboriginal Corporation).

The draft of this *Addendum 2 Aboriginal Cultural Heritage Assessment Report* for the proposed additional areas of the Rye Park Wind Farm Modification (**this document**) was forwarded to each registered Aboriginal party inviting comment on the results, the significance assessment and the recommendations. A minimum of 28 days will be allowed for responses to the document.

2.1 ABORIGINAL COMMUNITY FEEDBACK

Community consultation occurred throughout the project. The draft addendum report was provided to each of the Registered Aboriginal Parties (RAPs) and feedback was sought on the recommendations, the assessment and any other issues that may have been important.

Insert feedback once received.

3 REVIEW OF ABORIGINAL ARCHAEOLOGICAL CONTEXT

3.1.1 AHIMS Search

The Aboriginal Heritage Information Management System (AHIMS) provides a database of previously recorded Aboriginal heritage sites. A search provides basic information about any sites previously identified within a search area. However, a register search is not conclusive evidence of the presence or absence of Aboriginal heritage sites, as it requires that an area has been inspected and details of any sites located have been provided to AHIMS to add to the register. As a starting point, the search will indicate whether any sites are known within or adjacent to the investigation area. On 13 September 2019, two extensive searches of the AHIMS database were undertaken over an area of approximately 20 km x 20 km centred over the proposal area. These results have since expired, and a subsequent search was completed on February 25th 2021 using the same parameters:

Search 1:

Client Service ID: 571020

From: Lat -34.7366, Long 148.6617

To: Lat -34.3977, Long 149.1991

Buffer: 50m

Aboriginal sites: 113

Aboriginal Places: 0

Search 2:

Client Service ID: 449468

From: Lat -34.8334, Long 148.8029

To: Lat -34.5727, Long 149.2162

Buffer: 50m

Aboriginal Sites: 119

Aboriginal Places: 1

A total of 232 sites were detected across both searches, however after duplicates were removed there were a total of 181 sites. Of these, three sites have been destroyed by other developments, and one is listed as a deleted site. Table 3-1 below shows the site types previously recorded in the region. Figure 3-1 shows the location of AHIMS sites in relation to the proposal area, whilst Figure 3-2 shows the location of registered AHIMS sites within the proposal area.

Table 3-1 Breakdown of previously recorded Aboriginal sites in the region.

Site Type	Number
Artefact	148
Artefact, Potential Archaeological Deposit (PAD)	4
Modified Tree	10
PAD	9
Burial	4
Habitation Structure, Hearth	2
Hearth	1
Grinding Groove	2
Burial + Artefact	1
TOTAL	181

Second Addendum Aboriginal Cultural Heritage Assessment
Rye Park Wind Farm Additional Areas

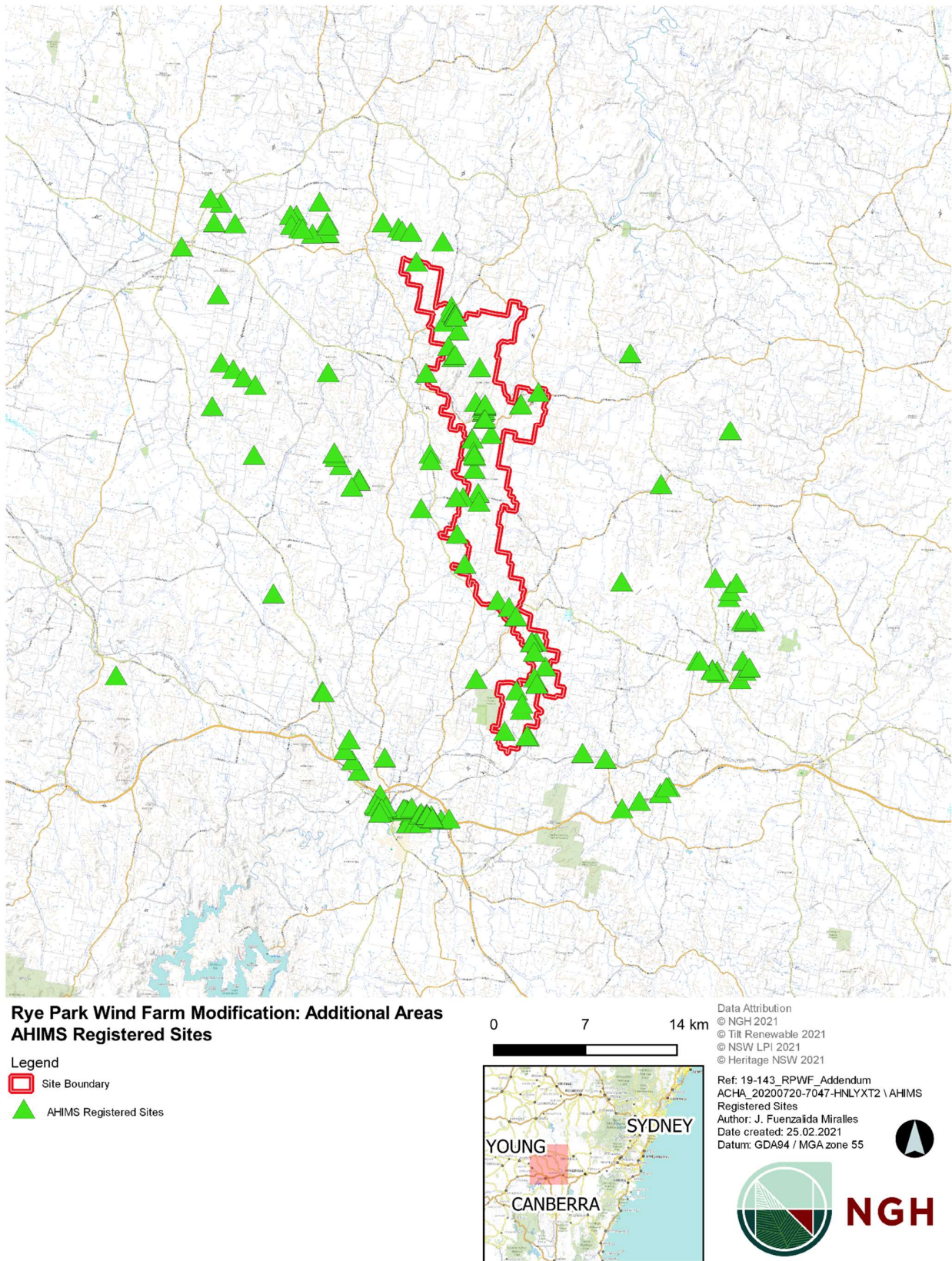


Figure 3-1. AHIMS search results.

Second Addendum Aboriginal Cultural Heritage Assessment
Rye Park Wind Farm Additional Areas

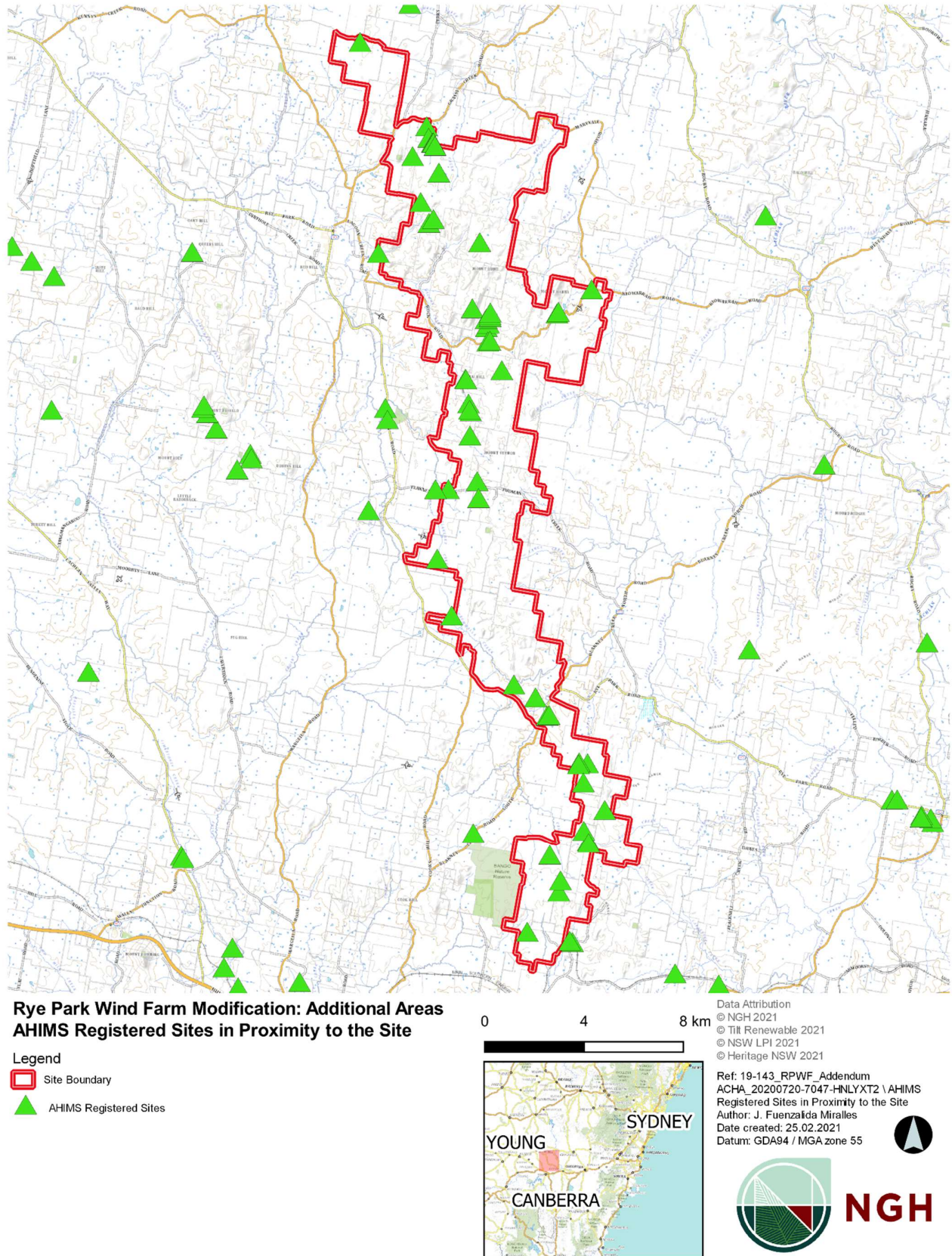


Figure 3-2. AHIMS sites within the project area.

There are a number of previously recorded AHIMS sites located within the project area. These sites are the result of the prior archaeological investigations for the Rye Park Wind Farm and are outlined in Tables 3-2 and 3-3 below. These results show a clear dominance of stone artefact site types, which can be largely attributed to the durability of the raw material.

Table 3-2 Sites recorded during initial survey and addendum survey of the Rye Park Wind Farm (NSW Archaeology 2013a & 2015).

AHIMS	Site Name	Survey recorded
51-5-0203	SU3/L1	Initial survey 2013
51-5-0207	SU3/L2	Initial survey 2013
51-4-0284	SU4/L1	Initial survey 2013
51-5-0204	SU6/L1	Initial survey 2013
51-5-0205	SU7/L1	Initial survey 2013
51-5-0206	SU8/L1	Initial survey 2013
51-4-0286	SU15/L1	Initial survey 2013
51-4-0285	SU18/L1	Initial survey 2013
51-4-0287	SU21/L1	Initial survey 2013
51-1-0117	SU23/L1	Initial survey 2013
51-4-0288	SU23/L2	Initial survey 2013
51-4-0289	SU23/L3	Initial survey 2013
51-1-0118	SU24/L1	Initial survey 2013
N/A	SU17/L1	Initial survey 2013
N/A	SU17/L2	Initial survey 2013
N/A	SU27/L1	Initial survey 2013
51-1-0149	SU28/L1	Additional survey 2015
51-1-0150	SU28/L2	Additional survey 2015
51-1-0151	SU29/L1	Additional survey 2015
51-1-0152	SU30/L1	Additional survey 2015
51-1-0153	SU30/L2	Additional survey 2015
51-1-0154	SU30/L3	Additional survey 2015
51-4-0341	SU33/L1	Additional survey 2015
51-4-0342	SU33/L2	Additional survey 2015
51-4-0343	SU33/L3	Additional survey 2015
51-4-0344	SU33/L4	Additional survey 2015
51-4-0345	SU33/L5	Additional survey 2015

51-4-0346	SU33/L6	Additional survey 2015
51-4-0347	SU34/L1	Additional survey 2015
51-5-0263	SU37/L1	Additional survey 2015
51-5-0264	SU.37/L2	Additional survey 2015
51-5-0267	SU37/L3	Additional survey 2015
51-5-0348	SU40/L1	Additional survey 2015
51-5-0349	SU42/L1	Additional survey 2015
51-5-0266	SU47/L1	Additional survey 2015
51-5-0267	SU47/L2	Additional survey 2015

Table 3-3 Sites recorded during initial survey and addendum survey of the Rye Park Wind Farm (NSW Archaeology 2013a & 2015).

AHIMS ID	Site Name	Survey Recorded
51-5-0332	AFT 1	NGH Modification ACHA 2020
51-5-0333	AFT 2	NGH Modification ACHA 2020
51-5-0334	AFT 3	NGH Modification ACHA 2020
51-4-0428	AFT 4	NGH Modification ACHA 2020
51-4-0429	AFT 5	NGH Modification ACHA 2020
51-4-0418	AFT 6	NGH Modification ACHA 2020
51-5-0335	AFT 1 + PAD	NGH Modification ACHA 2020
51-4-0430	AFT 2 + PAD	NGH Modification ACHA 2020
51-5-0327	AFT 3 + PAD	NGH Modification ACHA 2020
51-5-0326	AFT 4 + PAD	NGH Modification ACHA 2020
51-5-0327	AFT 5 + PAD	NGH Modification ACHA 2020
51-5-0331	IF 1	NGH Modification ACHA 2020
51-5-0330	IF 2	NGH Modification ACHA 2020
51-4-0427	IF 3	NGH Modification ACHA 2020
51-4-0425	IF 4	NGH Modification ACHA 2020
51-4-0426	IF 5	NGH Modification ACHA 2020
51-4-0424	IF 6	NGH Modification ACHA 2020

51-4-0423	IF 7	NGH Modification ACHA 2020
51-4-0422	IF 8	NGH Modification ACHA 2020
51-5-0329	IF 9	NGH Modification ACHA 2020
51-5-0328	IF 10	NGH Modification ACHA 2020
51-4-0421	IF 11	NGH Modification ACHA 2020
51-4-0419	IF 12	NGH Modification ACHA 2020
51-4-0420	IF 13	NGH Modification ACHA 2020
51-1-0165	IF14	NGH Addendum ACHA 2020
51-1-0164	IF15	NGH Addendum ACHA 2020
51-4-0417	IF 16	NGH Addendum ACHA 2020
N/A	PAD 1	NGH Modification ACHA 2020
N/A	PAD 2	NGH Modification ACHA 2020
N/A	PAD 3	NGH Modification ACHA 2020
N/A	Cultural Tree 1	NGH Modification ACHA 2020
N/A	Cultural Tree 2	NGH Addendum ACHA 2020
N/A	Cultural Tree 3	NGH Addendum ACHA 2020
N/A	Cultural Tree 4	NGH Addendum ACHA 2020
N/A	Resource: Quartz deposit	NGH Modification ACHA 2020

3.1.2 Other Register Searches

There are no historic heritage listings of Commonwealth, National, or NSW State Significance within the proposal area for the Rye Park Wind Farm. The proposal area falls between three Local Government Areas (LGAs); Hilltops LGA, Upper Lachlan LGA and Yass Valley LGA. The locally significant historic heritage listings within the vicinity of the proposal area are listed between two Local Environment Plans (LEPs); Yass Valley LEP (2013) and the Upper Lachlan LEP (2010). There are four heritage items of local significance within 5 km of the proposal area, as outlined in Table 3-4 and shown in Figure 3-5. No current historic heritage listings will be impacted upon as a result of the proposed works.

Table 3-4 Historic Heritage listing of local significance within 5km of the proposal area.

LEP	ID	Site Name	Distance to Proposal Area
Yass Valley LEP (2013)	A297	Coolalie Limestone kilns and quarry	830m south-west

Yass Valley LEP (2013)	A298	Coolalie Settlement Site (former)	1.2km south
Yass Valley LEP (2013)	I001	Blackburn (Homestead, garden and outbuildings)	3.2km west
Upper Lachlan LEP (2010)	I094	Mundoonen Nature Reserve	4.3km south-east

3.1.3 Rye Park Wind Farm Archaeological Background

Prior to the heritage assessments being undertaken for the Rye Park Wind Farm (NSW Archaeology 2013a & 2015) there have been no previous archaeological studies conducted within the project area and few had been undertaken within the immediate local area. For complete background research setting see NSW Archaeology (2013a and 2015 and NGH 2020).

Results of the initial surveys for the Rye Park Wind Farm (NSW Archaeology, 2013 & 2015) were used to establish an archaeological modelling of the project area.

- The high ridge crests on which the turbines are proposed have low archaeological sensitivity, potential and significance.
- Valleys near water courses have some archaeological sensitivity, heritage value and significance.
- Artefact density is likely to be higher in open valleys and artefacts can be expected to be distributed across discrete landforms, especially close to streams.
- The proposed wind farm setting generally has low archaeological and cultural potential and sensitivity. The exception to this is flats and basal simple slopes adjacent and close to higher order streams (Dibden 2015).

The recommendations from the NSW Archaeology assessments previously undertaken in the Rye Park Wind Farm project area are summarised below.

- The mitigation measures, if any, as noted in the assessments should be observed.
- A program of archaeological excavation be conducted in Aboriginal Artefact locales SU30/L1, SU30/L2, SU30/L3 and SU33/L3 as a form of impact mitigation to off-set overall development impacts.
- If the proposed work extended beyond the assessment area additional archaeological assessment may be required.
- A Cultural Heritage Management Plan should be developed (draft completed, Dibden 2017a)
- Personnel working on site should receive Aboriginal Cultural Heritage Awareness Training.
- Cultural heritage should be included in any environmental audits undertaken (Dibden 2013a & 2015).

The NSW Minister of Planning approved the construction and operation of the RPWF on the 22 May 2017 (Development Consent SSD 6693). In the Development Consent, Consent condition 24 outlines the protection of Aboriginal Heritage Items for the approved project. Within this condition there are three points (a, b and c) outlining the management and mitigation requirements regarding Aboriginal Heritage. The details of these points outline the identified sites where impact (direct or indirect) was to be avoided, where impact is to be minimised, and also where detailed archaeological test excavations and salvage of PADs is required if impact cannot be avoided.

NGH was contracted by Rye Park Renewable Energy Pty Ltd to undertake an Aboriginal Cultural Heritage Assessment (ACHA) for the proposed modification application for the State Significant Development (SSD) project, the Rye Park Wind Farm (RPWF) (NGH, 2020).

The proponent proposed to modify the existing approval to increase the turbine tip height from 157m to 200m and reduce the number of turbines from 92 to 80. The indicative design of the modified RPWF included additional site infrastructure, works and activities beyond that approved in the Conditions of Consent (CoC) for the RPWF or subject to Aboriginal heritage assessment. Any proposed works or activities in areas beyond (as well as removal of areas) that were approved in the CoC for the project must be sufficiently assessed prior to the submission of a modification application, this includes the assessment of Aboriginal cultural heritage. The modification application must be approved by the Department of Planning, Industry and Environment (DPIE) prior to any works or activities commencing beyond that approved in the CoC for any SSD Project.

The combined allotments that make the Rye Park Wind Farm cover a total area of approximately 13,528ha, while the development envelope for the modification proposal covers only 1,303ha of this area. The survey area for the Modification covered approximately 414ha including the external road widening. The survey NGH conducted for the original modification had an effective survey of 8.11% across the 16 landform types surveyed. Overall, it was considered that the surface survey of the Rye Park Wind Farm modification proposal area had sufficient and effective survey coverage. The results identified were considered a true reflection of the nature of the Aboriginal archaeological record present within the proposal area.

There were three archaeological site types identified during the field survey, artefact scatters and isolated finds of stone stools, as well as Potential Archaeological Deposits (PADs) indicating the potential for artefacts to be remaining below the surface. A total of 26 archaeological sites were recorded, featuring 67 stone artefacts located on the ground surface at 24 locations, as well as 8 areas of PAD (NGH 2020).

Table 3-4 below provides a summary of Aboriginal Heritage sites to be avoided, and Table 3-5 provides a summary of Aboriginal Heritage sites to be impacted by the approved and modified development footprints. A number of mitigation measures were recommended in the Rye Park Wind Farm Modification ACHA (NGH 2020). These recommendations included that further archaeological assessment would be required if the proposal activity extends beyond the Heritage study area assessed in the Rye Park Wind Farm Modification ACHA. The current assessment is being undertaken in line with the recommendations of the Rye Park Wind Farm Modification ACHA. Sites to be subject to further assessment through subsurface testing are identified in Table 3-6.

Table 3-5. Aboriginal heritage items – avoid impacts

Site ID	Impact	Identified
Flakeney Creek 1	Avoid	AHIMS
Cultural Tree 1	Avoid	NGH Addendum ACHA 2020
Cultural Tree 2	Avoid	NGH Addendum ACHA 2020
Cultural Tree 3	Avoid	NGH Addendum ACHA 2020
AFT 3	Avoid	NGH Modification ACHA 2020
AFT 6	Avoid	NGH Modification ACHA 2020
AFT 1 + PAD	Avoid	NGH Modification ACHA 2020
AFT 5 + PAD	Avoid	NGH Modification ACHA 2020
IF 11	Avoid	NGH Modification ACHA 2020
PAD 2	Avoid	NGH Modification ACHA 2020
PAD 3	Avoid	NGH Modification ACHA 2020
Cultural Tree	Avoid	NGH Modification ACHA 2020
Resource: Quartz deposit	Avoid	NGH Modification ACHA 2020
SU3/L1	Avoid	NSW Archaeology
SU6/L1	Avoid	NSW Archaeology
SU7/L1	Avoid	NSW Archaeology
SU8/L1	Avoid	NSW Archaeology
SU15/L1	Avoid	NSW Archaeology
SU17/L2	Avoid	NSW Archaeology
SU23/L1	Avoid	NSW Archaeology
SU23/L2	Avoid	NSW Archaeology
SU24/L1	Avoid	NSW Archaeology
SU27/L1	Avoid	NSW Archaeology
SU30/L1	Avoid	NSW Archaeology
SU30/L3	Avoid	NSW Archaeology
SU33/L3	Avoid	NSW Archaeology
SU37/L1	Avoid	NSW Archaeology

SU37/L2	Avoid	NSW Archaeology
SU37/L3	Avoid	NSW Archaeology
SU40/L1	Avoid	NSW Archaeology
SU47/L1	Avoid	NSW Archaeology
SU47/L2	Avoid	NSW Archaeology

Table 3-6. Aboriginal heritage items – minimise impacts.

Site ID	Impact	Identified
Flakney Creek	Minimize / Undertake Surface Salvage	AHIMS Registered Site (Prior to RPWF)
AFT 1	Minimize / Undertake Surface Salvage	NGH Modification ACHA 2020
AFT 2	Minimize / Undertake Surface Salvage	NGH Modification ACHA 2020
AFT 4	Minimize / Undertake Surface Salvage	NGH Modification ACHA 2020
AFT 5	Minimize / Undertake Surface Salvage	NGH Modification ACHA 2020
IF 1	Minimize / Undertake Surface Salvage	NGH Modification ACHA 2020
IF 2	Minimize / Undertake Surface Salvage	NGH Modification ACHA 2020
IF 3	Minimize / Undertake Surface Salvage	NGH Modification ACHA 2020
IF 4	Minimize / Undertake Surface Salvage	NGH Modification ACHA 2020
IF 5	Minimize / Undertake Surface Salvage	NGH Modification ACHA 2020
IF 6	Minimize / Undertake Surface Salvage	NGH Modification ACHA 2020
IF 10	Minimize / Undertake Surface Salvage	NGH Modification ACHA 2020

Table 3-7. Aboriginal heritage items – excavations

Site ID	Impact	Identified
AFT 2 + PAD	Minimize / Undertake Salvage Excavations or Testing	NGH Modification ACHA 2020
AFT 3 + PAD	Minimize / Undertake Salvage Excavations or Testing	NGH Modification ACHA 2020
AFT 4 + PAD	Minimize / Undertake Salvage Excavations or Testing	NGH Modification ACHA 2020
PAD 1	Minimize / Undertake Salvage Excavations or Testing	NGH Modification ACHA 2020
SU17/L1	Minimize / Undertake Salvage Excavations or Testing	NSW Archaeology
SU30/L2	Minimize / Undertake Salvage Excavations or Testing	NSW Archaeology

3.1.4 Archaeological Site Location Model

The Aboriginal site modelling for the region to date suggests that there is a strong association between the presence of potential resources for Aboriginal use and the presence of archaeological sites. Areas directly associated with water and or elevated ground appear to have the greatest potential for identification of Aboriginal cultural material. There are exceptions to this however, and relatively low-lying floodplain areas also have potential for the identification of isolated artefacts or campsites.

Based on the results of the previous archaeological investigations within the Rye Park Wind Farm, and through extrapolation of sites from the general area, it is possible to provide the following model of site location in relation to the proposal area.

Isolated Artefacts – are present across the entire landscape, in varying densities. As Aboriginal people traversed the entire landscape for thousands of years, such finds can occur anywhere and indicate the presence of isolated activity, dropped or discarded artefacts from hunting or gathering expeditions or the ephemeral presence of short-term camps. This feature has been recorded previously within the current proposal area and other isolated finds could occur. This feature is therefore likely to occur.

Hearths/Ovens – are identified by burnt clay used for heat retainers. Some are recorded in the district in association with resource locations. However, they could occur either independently or in association with other Aboriginal cultural features such as artefact scatters. Hearths are generally considered to be limited, one-off use or reused a few times and are smaller concentrations. Ovens are considered to represent larger features, often extending over a larger area and can include other material such as bone. No such sites have been recorded in the area and therefore such sites are less likely to occur.

Stone artefact scatters – representing camp sites or flaking and maintenance activity can occur across the landscape, usually in association with some form of resource or landscape. Water bodies, such as rivers, ephemeral creeks or clay pans can also be a focus of Aboriginal occupation. This feature has been recorded previously within the current proposal area and low density artefact scatters are likely to occur.

Burials – are generally found within mound sites, in elevated sandy contexts or in association with rivers and major creeks or coastal sand bodies. No such sites have been recorded in the area and therefore such sites are less likely to occur.

Scarred Trees – these require the presence of old growth trees and are likely to be concentrated along major waterways and around swampy areas. There are patches of remnant vegetation within and adjacent to the proposal area, given the land use history this site type is less likely to occur but still has potential to be located within the proposal area.

Stone resources – are areas where people used natural stone resources as a source material for flaking. This requires geologically suitable material outcropping to be accessible. The proposal area contains only small natural outcroppings stone, with no large sources of suitable material, therefore while there is potential within the proposal area this feature is unlikely to occur.

Shell Middens – are the agglomeration of shell material disposed of after consumption. Such places are found along the edges of significant waterways, swamps and billabongs in inland contexts and beaches, lagoons, estuaries, lakes and headlands in coastal contexts. The proposal area is intersected by waterways, however these would not currently be considered significant making it unlikely for shell midden sites to occur.

In summary, there are landforms within the proposal area directly associated with water and or elevated ground which have the greatest potential for the identification of Aboriginal cultural material. Nonetheless, given that Aboriginal people have lived in the region for tens of thousands of years, there is potential for archaeological evidence to occur throughout the area, this is most likely to be in the form of stone artefacts.

3.1.5 Comment on Existing Information

The AHIMS database is a record of those places that have been identified and had site cards submitted to Heritage NSW. It is not a comprehensive list of all places in NSW as site identification relies on an area being surveyed and on the submission of site forms to AHIMS. There are likely to be many areas within NSW that have yet to be surveyed and therefore have no sites recorded. However, this does not mean that sites are not present.

Within the current proposal area there have been three previous archaeological investigations. The information relating to site patterns, their age and geomorphic context is little understood. The robustness of the AHIMS survey results are therefore considered to be low for the present investigation. There are likely to be many sites that exist that have yet to be identified. Past land use activity has moderately disturbed the archaeological record and there are likely to be places that retain *in situ* archaeological material.

With regard to the limitations of the information available, archaeologists rely on Aboriginal parties to divulge information about places with cultural or spiritual significance in situations where non archaeological sites may be threatened by development. To date, we have not been told of any such places within the proposal area, however, there is always the potential for such places to exist, but concerning the current proposed works area, no such places or values have been identified.

4 ARCHAEOLOGICAL INVESTIGATION RESULTS

4.1 SURVEY STRATEGY

The intention of the survey was to cover as much ground surface as possible within the proposed additional areas given it had not been assessed in the original survey conducted for the Rye Park Wind Farm. The strategy therefore was to walk across the additional areas to achieve maximum coverage. The team were able to walk in lines, at a similar pace, allowing for maximum survey coverage and maximum opportunity to identify any heritage features. The survey team consisted of a minimum of three people which allowed a 45-60m wide tract of the survey section to be surveyed with each transect.

Any mature trees with the proposed eastern expansion area were also inspected for any evidence of Aboriginal scarring (Long 2005).

NGH believes that the survey strategy was comprehensive and the most effective way to identify the presence of Aboriginal heritage sites within the additional areas. Discussions were held in the field between the archaeologist and the Aboriginal community representatives present to ensure all were satisfied and agreed with the spacing and survey methodology.

The additional areas for the Rye Park Wind Farm Modification proposal cover transitioning landforms from elevated ridge lines and crests to steep gullies, spurs and saddles. These landforms present a similar context to those previously identified within the Rye Park Wind Farm Modification ACHA.

The field survey was undertaken on the 17th and 18th of February 2021. Notes were made about visibility, photos taken, and any possible Aboriginal features were inspected, assessed, and recorded if deemed to be Aboriginal in origin.

4.2 SURVEY COVERAGE

Survey transects were undertaken on foot and traversed the proposed additional areas. Visibility within the survey area was variable however as a whole it generally had low visibility averaging 5% overall. The effective visibility in the area ranged from 90% in exposures to less than 5% in areas with a dense grass cover. Between the survey participants, over the course of the field survey, approximately, 7.014 km of transects were walked across the proposed additional areas. The proposed additional areas total 39.3 ha, however portions of this (2.75 ha) have been assessed in previous investigations. The remaining area of 36.54 ha was subject to survey.







Table 4-1 below shows the calculations of effective survey coverage and Plates 1-12, show examples of the landforms and visibility within the proposed additional areas.

Allowing for an effective view width of 5 m for each person and given the variability in the ground visibility across the proposal site overall the survey effectively examined 0.96% of the proposed additional areas. Despite this low coverage, it is considered that the survey of the Rye Park Wind Farm proposed additional areas was enough to understand the nature of the terrain and archaeological potential and therefore was sufficient to draw conclusion about the presence or potential for Aboriginal heritage object to occur. The results of the survey are considered a true reflection of the nature of the Aboriginal archaeological record present within the proposed additional areas.

Second Addendum Aboriginal Cultural Heritage Assessment
Rye Park Wind Farm Additional Areas

Table 4-1 Transect information.

Landform	Number of Survey Transects	Exposure type	Project area (ha)	Surveyed area (length m x width m)	Survey area (m2)	Average Visibility %	Effective coverage (area x visibility) m2	Project area surveyed (ha)	Percentage of Project area effectively surveyed	Archaeological result
Slope	28	Shale, quartz and granite bedrock exposures, patchy eroded areas amongst grass. Animal tracks and exposures around trees.	31.09	12,228m x 5m	61,140	5%	3,057	0.3057	0.98%	AFT7, IF17, IF18, IF19, IF20.
Slope, Ridge, Gully, Creek Bank	4	Bedrock outcroppings along ridge line. Patchy erosion exposures amongst grass, higher concentration on elevated areas., but some large areas of exposure along creek bank. Animal tracks and exposures around trees.	5.18	250m x 5m 517m x 5m 904m x 5m	8,355	7%	584.85	0.058485	1.13%	One cultural tree, outside development corridor.
Road Corridor (Disturbed)	1	Erosion patches around trees, animal tracks. Animal tracks and exposures around trees.	0.2776	222m x 5m	1,110	2.5%	27.75	0.00275	0.99%	NIL
TOTALS	33		36.54		70,605	5%	17,578.05	0.3530	0.96%	

	
<p><i>Plate 1 View south west along sloping landform, showing typical exposure through animal tracks.</i></p>	<p><i>Plate 2 View north west along slopes showing erosion exposures amongst grass growth.</i></p>
	
<p><i>Plate 3 View west across gently undulating landscape, typical low visibility observed in sloping sections.</i></p>	<p><i>Plate 4 Ground surface view and exposure along ridge line, showing granite bedrock outcroppings.</i></p>
	
<p><i>Plate 5 View north along ridge line, typical vegetation along elevated sections.</i></p>	<p><i>Plate 6 View facing north towards hill crest, survey area consisted only of the sloping section.</i></p>

Second Addendum Aboriginal Cultural Heritage Assessment
Rye Park Wind Farm Additional Areas



Plate 7 View north west across sloping landform.



Plate 8 Typical exposure view around the base of a tree.



Plate 9 View west across the additional area along Boorowa Road.



Plate 10 Ground exposure along road corridor, Boorowa Road.



Plate 11 View north into the additional area at the Boorowa Road and Long Street intersection, Boorowa.



Plate 12 View facing east along Boorowa Road, taken from Long Street.

4.3 SURVEY RESULTS

The visibility during survey was predominantly poor across the additional areas, however there were a number of exposures present that were inspected. There were three isolated stone artefacts and one artefact scatter recorded as a result of the survey. One tree with cultural significance was also identified by Aboriginal Community representatives during the fieldwork.

Discussions were held in the field with the representatives present to assess the potential for subsurface deposits across the proposed additional areas. Based on the land use history, an appraisal of the landscape, soil, level of disturbance and the results from the field survey, it was concluded that there was negligible potential for the presence of intact subsurface deposits with high densities of objects or cultural material within the proposed additional areas. Consequently, subsurface testing is not warranted in the proposed additional areas.

The Aboriginal representative present during the fieldwork noted that if any further development or ground disturbance works were proposed outside these additional areas and the areas assessed in the previous Rye Park Wind Farm surveys that additional assessment would be required.

4.3.1 Stone Artefacts

There was one stone artefact scatter (AFT) and three isolated stone artefacts (IF) located during the survey of the proposed additional areas to the Rye Park Wind Farm Modification (Figure 4-1).

AFT 7 (51-AHIMS PENDING)

AFT 7 was located in an area of 15-35% visibility along an exposure around the base of a planted row of trees. The area was a gently sloping elevated area above the road corridor with grass coverage and young tree growth. There were four diagnostic artefacts recorded amongst other Quartz material. All four artefacts recorded were white milky quartz flakes, in a red-orange silty clay with a high gravel content. The location was observed to be disturbed, with the planted row of trees including a raised row base. Adjacent to the location there is also a dam that has been constructed.



Plate 13. Close up view of the artefacts.



Plate 14. Close up view of artefacts.



Plate 15. View NW showing the context of AFT 7, looking to Rye Park Road.



Plate 16. View north showing the context of AFT 7.

IF17 (51-AHIMS PENDING)

IF 17 was located in an area of exposure with 95% visibility on an upper slope, just below a hill crest. The area was a small levelling (terrace) in the undulating slopes surrounding, with a very large area of exposure surrounding a group of trees. The area had some loose leaf cover and tree branches over the bare earth exposure. No potential for subsurface material was identified at this location. The recorded artefact is a milky white quartz split flake that is broken axially. The artefact has a faceted, broad platform and step termination. The dimensions of the flake measure 36mm length x 16mm width x 8mm thickness.



Plate 17. Close up view of IF17 in situ.



Plate 18. View north from the artefact location.

IF18 (51-AHIMS PENDING)

IF 18 was located in an area of 25% visibility within an exposure to the side of a dirt vehicle track (semi-formed road). The artefact was located within an area of erosion exposure amongst low-lying grasses. No potential for subsurface material was identified at this location. The recorded artefact is a tertiary crystal white quartz flake with a crushed, focal platform and feather termination. The dimensions of the flake measure 21mm length x 9mm width x 5mm thickness.



Plate 19 Close up view of the IF18 in situ.

IF19 (51-AHIMS PENDING)

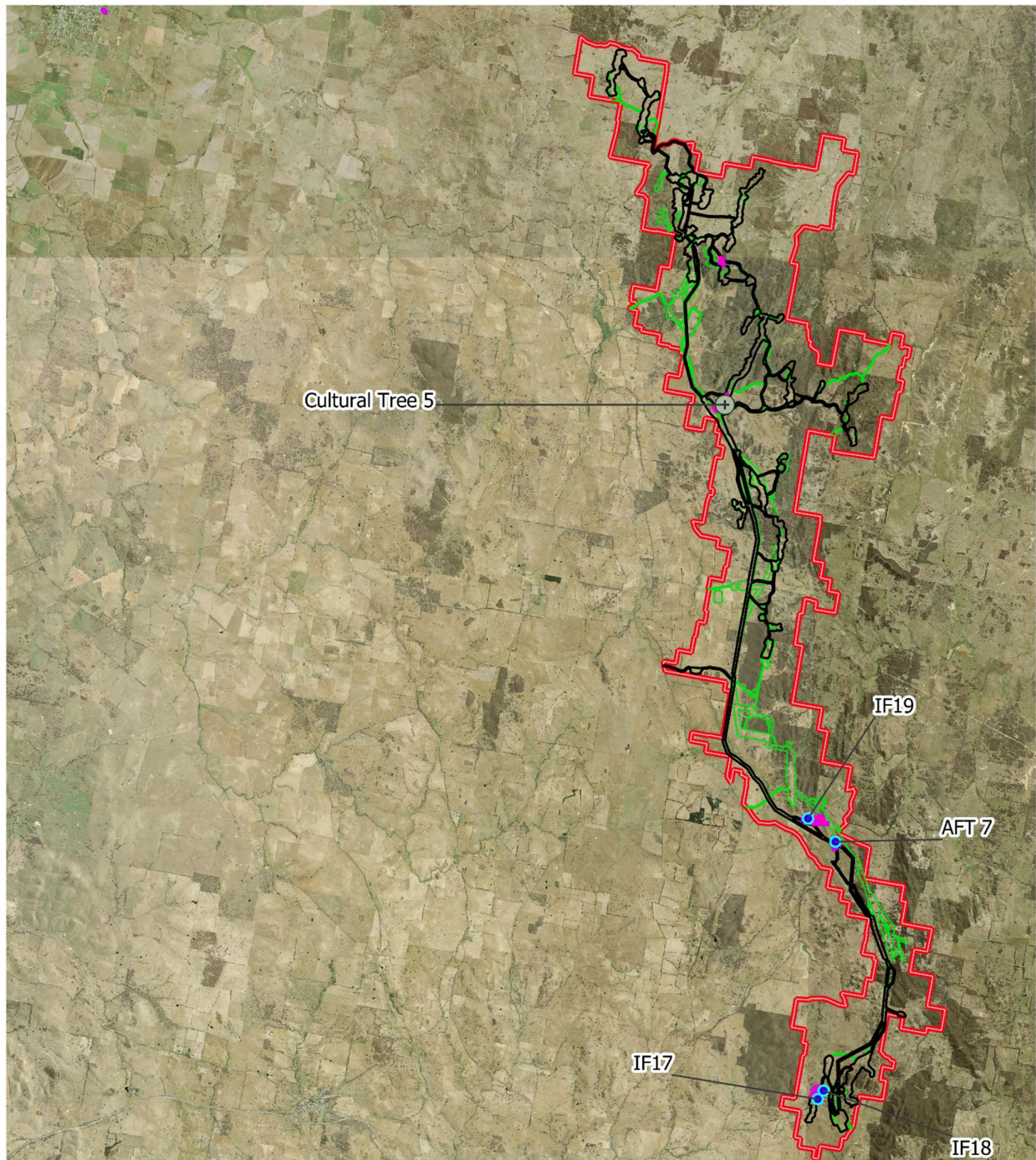
IF 19 was located in an area of exposure along a fence line in a gently sloping area. The visibility of the region was low from 0-5%, with the artefact located in an exposure with 60% visibility. The artefact was located in a small clearing with patches of erosion exposure amongst grass growth. No potential for subsurface material was identified at this location. The recorded artefact is a white quartz flake with a faceted, focal platform and feather termination. The dimensions of the flake measure 12mm length x 6mm width x 2mm thickness.



Plate 20 Close up view of IF19 in situ.



Plate 21 View facing south west from the artefact location showing the site context.



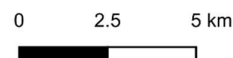
**Rye Park Wind Farm Modification: Additional Areas
Field Survey Results**

Legend

- | | |
|---|---|
| Rye Park Wind Farm Site Boundary | Addendum ACHA Additional Areas |
| Modification Development Envelope | ● Stone Artefact |
| Consented Development Envelope | ⊕ Cultural Tree |

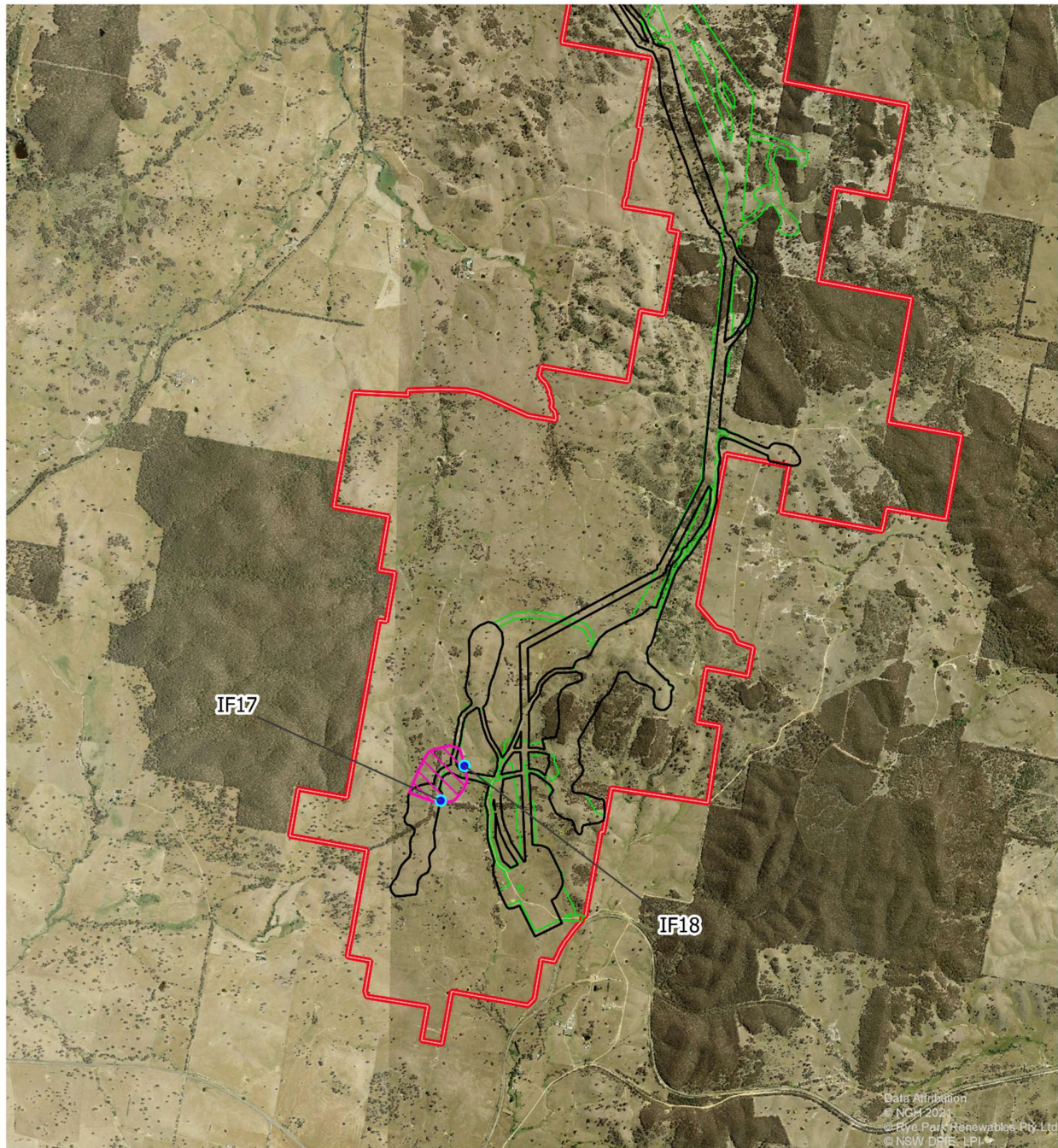
Data Attribution
© NGH 2021
© Rye Park Renewables Pty Ltd
© NSW DPIE, LPI

Ref: 19-143_RPWF_Addendum
ACHA_20200720-7047-HINLYXT2 \ Field
Survey Results
Author: bronwyn.p
Date created: 25.02.2021
Datum: GDA94 / MGA zone 55



NGH

Figure 4-1. Field Survey Results.

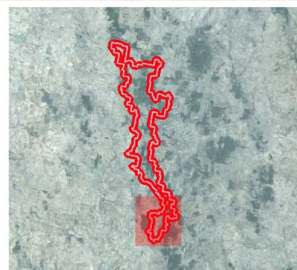


**Rye Park Wind Farm Modification:
Additional Areas
Field Survey Results**

Legend

- Rye Park Wind Farm Site Boundary
- Modification Development Envelope
- Consented Development Envelope
- Addendum ACHA Additional Areas
- Stone Artefact
- ⊕ Cultural Tree

Figure 4-2. Field Survey Results: IF17, IF18.



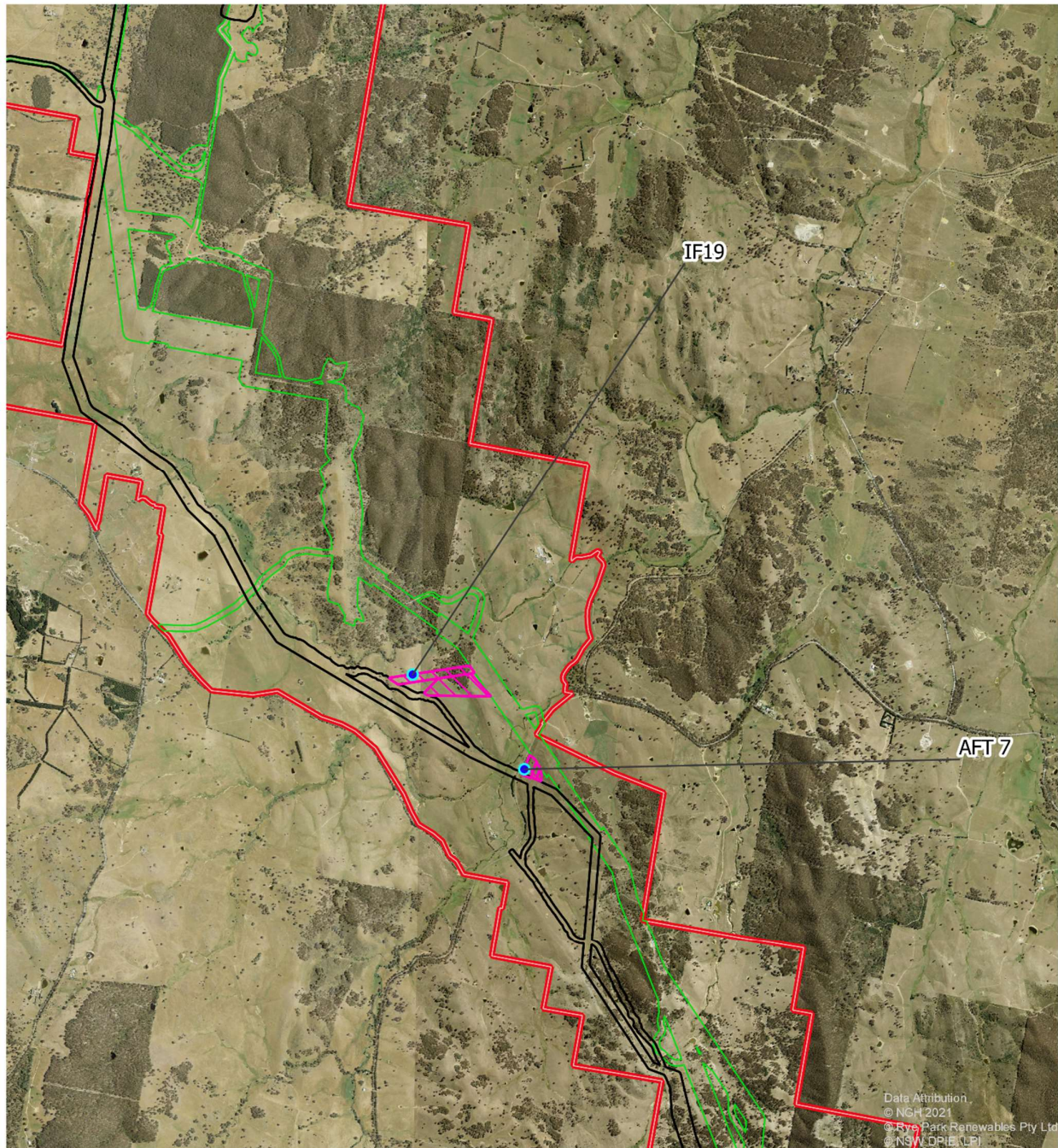
Ref: 19-143_RPWF_Addendum
ACHA_20200720-7047-HNLYXT2 \ Field
Survey Results

Author: bronwyn.p
Date created: 25.02.2021
Datum: GDA94 / MGA zone 55

0 0.5 1 km



NGH



**Rye Park Wind Farm Modification:
Additional Areas
Field Survey Results**

Legend

- | | |
|---|---|
| Rye Park Wind Farm Site Boundary | Addendum ACHA Additional Areas |
| Modification Development Envelope | ● Stone Artefact |
| Consented Development Envelope | ⊕ Cultural Tree |

Figure 4-3. Field Survey Results: AFT 7, IF19.



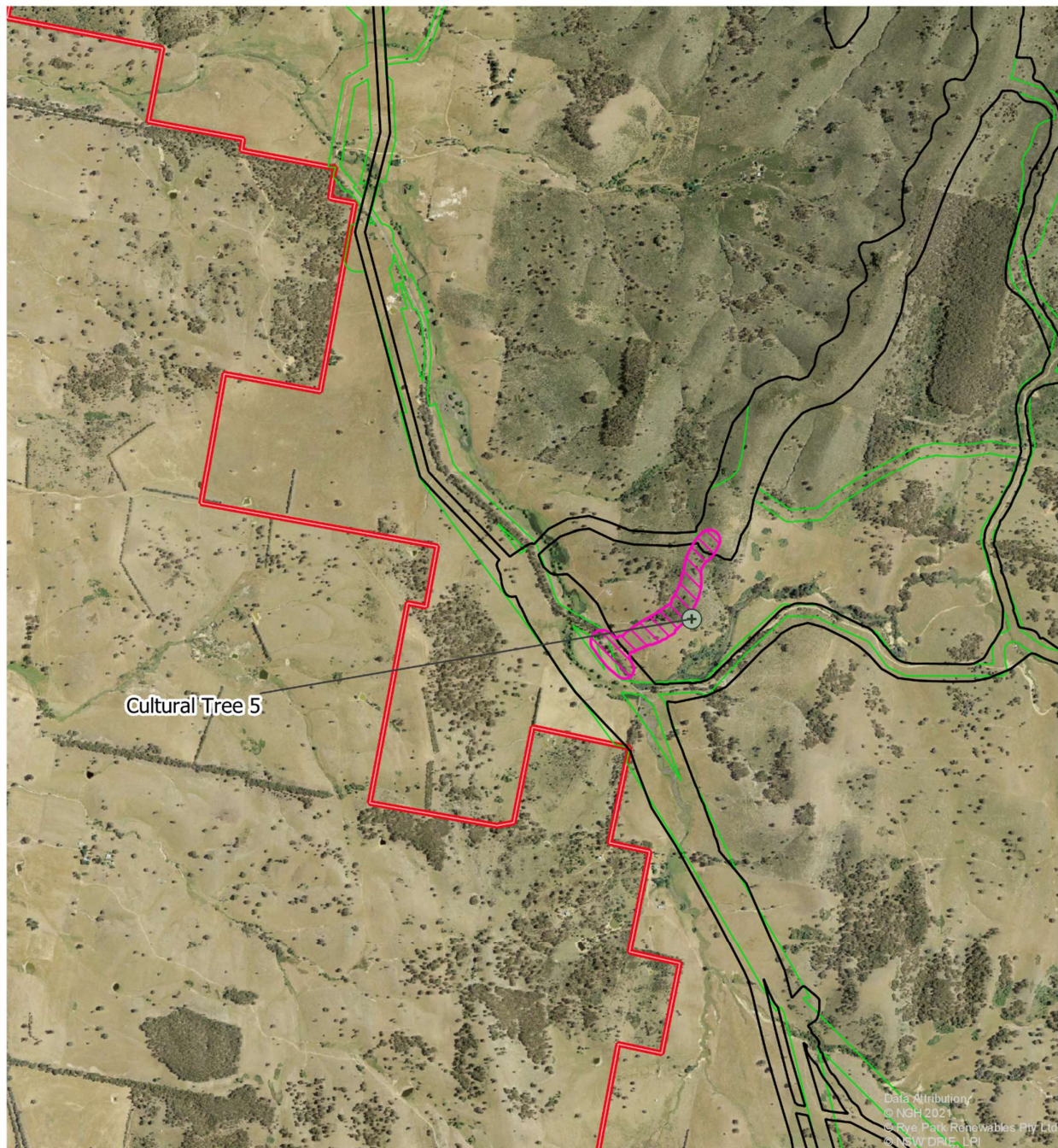
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ACHA_20200720-7047-HNLYXT2 \ Field
Survey Results

Author: bronwyn.p
Date created: 25.02.2021
Datum: GDA94 / MGA zone 55

0 0.5 1 km



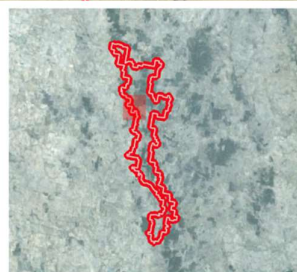
NGH



**Rye Park Wind Farm Modification:
Additional Areas
Field Survey Results**

Legend

- | | |
|---|---|
| Rye Park Wind Farm Site Boundary | Addendum ACHA Additional Areas |
| Modification Development Envelope | ● Stone Artefact |
| Consented Development Envelope | ⊕ Cultural Tree |



Ref: 19-143_RPVF_Addendum
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Survey Results
Author: bronwyn.p
Date created: 25.02.2021
Datum: GDA94 / MGA zone 55

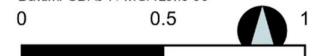


Figure 4-4. Field Survey Results: Cultural Tree

4.3.2 Culturally Identified Sites

CULTURAL TREE 5:

There was one tree identified by Aboriginal Community representatives as culturally important during the field survey for this addendum ACHAR (Figures 4-1. 4-4). While this tree does not present any archaeological features, it has been identified by the RAPs during the fieldwork as holding cultural values to the local Aboriginal community. Cultural Tree 5 (numbering continued from NGH 2020) is located adjacent to (outside the impact footprint), of the proposed additional area covering the track to turbine WTG67. The tree is a mature eucalypt species that has been a part of the landscape for 100+ years. The Aboriginal community would appreciate it if these trees were avoided and no harm is caused to the tree as a result of the proposed works. Avoidance of harm to this tree would require a 15m to 20m buffer zone for ground surface disturbing works, and complete avoidance of the canopy area.

Due to the cultural sensitivity of the cultural trees, the identifying RAP group has requested that no photographs or details of these trees are provided within this report. However, all necessary information including photographs, GIS data and map images has been provided to the proponent separate from this ACHAR.

4.4 DISCUSSION

The results of previous archaeological surveys in the Rye Park region, and within the Rye Park Wind Farm project area show that there are sites and artefacts present across the landscape. The predictions based on the modelling for the proposed additional areas were that stone artefacts, PADs and scarred trees were the most likely manifestation of Aboriginal occupation of the area. The lack of sites identified within the proposed additional areas is not surprising given the poor surface visibility and steep inclines of some landforms and is also likely to be reflective of the sparse and dispersed nature of stone artefacts within the project area.

The results of this additional survey do not negate the need for further surveys to occur in any other areas of proposed activity for the Rye Park Wind Farm that extend beyond the areas assessed in this report and the previous Rye Park Wind Farm ACHA and Addendum ACHA reports.

5 CULTURAL HERITAGE VALUES AND STATEMENT OF SIGNIFICANCE

The assessment of the significance of Aboriginal archaeological sites is currently undertaken largely with reference to criteria outlined in the ICOMOS Burra Charter (Marquis-Kyle & Walker 1994). Criteria used for assessment are:

- *Social or Cultural Value*: In the context of an Aboriginal heritage assessment, this value refers to the significance placed on a site or place by the local Aboriginal community – either in a contemporary or traditional setting.
- *Scientific Value*: Scientific value is the term employed to describe the potential of a site or place to answer research questions. In making an assessment of Scientific Value issues such as representativeness, rarity and integrity are addressed. All archaeological places possess a degree of scientific value in that they contribute to understanding the distribution of evidence of past activities of people in the landscape. In the case of flaked stone artefact scatters, larger sites or those with more complex assemblages are more likely to be able to address questions about past economy and technology, giving them greater significance than smaller, less complex sites. Sites with stratified and potentially in situ sub-surface deposits, such as those found within rock shelters or depositional open environments, could address questions about the sequence and timing of past Aboriginal activity, and will be more significant than disturbed or deflated sites. Groups or complexes of sites that can be related to each other spatially or through time are generally of higher value than single sites.
- *Aesthetic Value*: Aesthetic values include those related to sensory perception and are not commonly identified as a principal value contributing to management priorities for Aboriginal archaeological sites, except for art sites.
- *Historic Value*: Historic value refers to a site or place's ability to contribute information on an important historic event, phase or person.
- *Other Values*: The Burra Charter makes allowance for the incorporation of other values into an assessment where such values are not covered by those listed above. Such values might include Educational Value.

All sites or places have some degree of value, but of course, some have more than others. In addition, where a site is deemed to be significant, it may be so on different levels or contexts ranging from local to regional to national, or in very rare cases, international. Further, sites may either be assessed individually, or where they occur in association with other sites the value of the complex should be considered.

SOCIAL OR CULTURAL VALUE

While the true cultural and social value of Aboriginal sites can only be determined by local Aboriginal people, as a general concept, all sites hold cultural value to the local Aboriginal community. An opportunity to identify cultural and social value was provided to all the registered Aboriginal stakeholders for this proposal through the draft reporting process.

It was clear from the conversations held in the field that all sites hold cultural value to the local Aboriginal community. There was one site of cultural significance identified by RAP representatives during the survey of the additional areas, Cultural Tree 5. It has been recommended that impact to this site is avoided.

SCIENTIFIC (ARCHAEOLOGICAL) VALUE.

As described in this report, four archaeological sites have been recorded within the proposed additional modification areas for the RPWF (one artefact scatter and three isolated finds). The research potential of the

sites located during this assessment is considered to be low as they are single artefacts with little other material for research other than their location. The presence of the sites can and has been used to assist in the development of site modelling for the local landscape and could be used to compare with other artefact assemblages from open camp site locations.

The impact to the scientific values of the artefacts is considered low. The impact to the scientific values of the four sites, were they to be impacted by the current proposal is considered low, as there were no artefacts identified that could provide any further information about Aboriginal occupation of the area other than their existence within the landscape.

While the artefacts themselves are intrinsically interesting in terms of their base technical information, their scientific significance is low in terms of further research potential.

AESTHETIC VALUE.

There are no aesthetic values associated with the identified archaeological sites per se, apart from the presence of Aboriginal artefacts in the landscape.

OTHER VALUES

There are no other known heritage values associated with the proposed additional areas. The additional areas may have some educational value (not related to archaeological research) through educational material provided to the public about the Aboriginal occupation and use of the area. The presentation of educational material about the Aboriginal occupation and use of the area could be developed in consultation with the local Aboriginal community.

6 PROPOSED ACTIVITY

As noted in Section 1.1 the proposed additional areas of the Rye Park Wind Farm Modification development footprint includes both private parcels of land and road corridors totalling a combined area of 39.3 hectares. This includes all land likely to be directly impacted by the proposed additional areas of the modified development footprint for the Rye Park Wind Farm. The ground disturbances resulting from proposed works in the additional areas range greatly from an overhead transmission line to the creation of new access tracks. Thus it is expected that works in the proposed additional areas will include ground disturbances.

6.1 HISTORY AND LANDUSE

Previous use of the land prior to the current project proposal is largely farming with a combination of grazing and agriculture, there are also a number of residential dwellings, associated structures and dirt track roads intersecting the proposal area. These previous impacts have caused significant disturbance to the ground surface at specific localities throughout the proposal area, however the majority of the area is relatively undisturbed. It is considered that the archaeological record within the proposal area has not been overtly compromised by prior land-use activities.

6.2 PROPOSED DEVELOPMENT ACTIVITY

As noted above in Section 1.2, the proposal is for additional areas to be added to the modification application for the SSD Rye Park Wind Farm. The proposed additional areas were covered partially by prior investigations in 2013, 2015, and 2020 this survey is targeted to areas identified within the additional areas that were not previously assessed for heritage impacts. The proposed works are in addition to the

modification application for the approved Rye Park Wind Farm development proposal that would include changes to layout due to realignment of transmission lines, access locations for construction and transport routes.

6.3 ASSESSMENT OF HARM

The current and previous archaeological investigations of the proposal area have clearly identified that there are Aboriginal archaeological sites present within the proposal area. With the current proposed works, it is not possible to avoid harm to all of the sites described in Section 4.3.1. The proposed level of ground disturbance would be high, therefore likely to totally impact the sites. This is considered a direct impact on the sites and the Aboriginal objects by the development in its present form.

In reference to the proponent's proposal and the archaeology recorded, there would potentially be a low to moderate level of impact on the archaeological record. The type and degree of harm proposed to the recorded sites is outlined in Table 6-1. The proposed works in additional areas for the modified RPWF development will have the potential to harm archaeological sites. The identified Aboriginal objects will not be individually harmed, with the harm coming from the destruction of the archaeological context of the site. It would be proposed that all Aboriginal objects facing harm as a result of the modified development be mitigated through salvage collection and reburial in a safe location, as outlined in Section 7.3.

6.4 IMPACTS TO VALUES

The values potentially impacted by the proposed modified development are any social and cultural values attributed to the artefacts and the sites by the local Aboriginal community. The extent to which the total or partial loss of the sites would impact on the community is only something the Aboriginal community can articulate.

The impact to the scientific values if the artefacts were to be impacted by the current proposal is considered low, as there were no artefacts identified that could provide any further information other than their existence within the landscape. The values potentially impacted by the development include these scientific values and any social and cultural values attributed to the artefacts and the sites by the local Aboriginal community. The extent to which the total or partial loss of the sites would impact on the community is only something the Aboriginal community can articulate.

The intrinsic values of the artefacts themselves may be affected by the development of the proposal area. Any removal of the artefacts, or their breakage would reduce the low scientific value they retain.

Table 6-1. Identified risk to sites recorded for this Addendum.

AHMIS #	Site name	Site integrity	Scientific significance	Type of harm	Degree of harm	Consequence of harm	Recommendation
51-5-	AFT7	Poor. The area is quite disturbed, with the artefacts appearing amongst disturbed ground along a row of planted trees.	Low	Direct – the site is within the civil disturbance envelope for the access tracks.	Partial, may be avoidable	Partial to no loss of value	It may be possible to avoid impact to this site with a 5m buffer zone in place. If impact cannot be avoided, salvage will be required before construction can commence.
51-5-	IF17	Poor to Good. The area appears relatively undisturbed, the land has been predominantly cleared of trees and subject to a 100+ year history of farming.	Low	Direct – the site is adjacent to the 330kV underground transmission disturbance, and in within the civil disturbance envelope.	Partial, may be avoidable	Partial to no loss of value	It may be possible to avoid impact to this site with a 5m buffer zone in place. If impact cannot be avoided, salvage will be required before construction can commence.
51-5-	IF18	Poor to Good. The area appears relatively undisturbed, the land has been predominantly cleared of trees and subject to a 100+ year history of farming. The site is adjacent to an existing dirt road/track.	Low	Direct – the site is within the civil disturbance envelope and adjacent to an existing dirt road/track.	Partial, may be avoidable	Partial to no loss of value	It may be possible to avoid impact to this site with a 5m buffer zone in place. If impact cannot be avoided, salvage will be required before construction can commence.
51-5-	IF19	Poor to Good. The area appears relatively undisturbed, the land has been predominantly cleared of trees and subject to a 100+ year history of farming, with the artefact located in an exposure along a fence line.	Low	Direct – the site is along the new proposed OHTL, and within the civil disturbance envelope.	Partial, may be avoidable	Partial to no loss of value	It may be possible to avoid impact to this site with a 5m buffer zone in place. If impact cannot be avoided, salvage will be required before construction can commence.

7 AVOIDING OR MITIGATING HARM

7.1 CONSIDERATION OF ESD PRINCIPLES

Consideration of the principles of Ecologically Sustainable Development (ESD) and the use of the precautionary principle was undertaken when assessing the harm to the sites and the potential for mitigating impacts to the sites recorded during the survey for the proposed additional areas for the Rye Park Wind Farm modifications. The main consideration was the cumulative effect of the proposed impact to the sites and the wider archaeological record. The precautionary principle in relation to Aboriginal heritage implies that development proposals should be carefully evaluated to identify possible impacts and assess the risk of potential consequences.

The principle of inter-generational equity requires the present generation to ensure that the health and diversity of the archaeological record is maintained or enhanced for the benefit of future generations. We believe that the diversity of the archaeological record is not compromised by the proposed development particularly given the existing disturbed nature of the sites and that stone artefacts are the most common site type so far recorded within the local area.

7.2 CONSIDERATION OF HARM

It may not be possible to avoid all known sites due to the construction requirements of the RPWF modified project. While it is possible to avoid impact from some areas through the strategic placement of overhead powerline poles and infrastructure components, this will not be possible for all sites recorded within the proposal area.

The archaeological sites within the proposed additional areas have presented a low-density concentration of artefacts, which have been assessed to hold low scientific value. Based on the assessment of the sites and in consideration of discussions with the Aboriginal representatives during the fieldwork, it is not considered necessary to prevent all development of the proposed additional areas, or for total avoidance of the Aboriginal heritage sites identified within the proposed works corridors.

7.3 MITIGATION OF HARM

Mitigation of harm to cultural heritage sites generally involves some level of detailed recording to preserve the information contained within the site or setting aside areas as representative samples of the landform to preserve a portion of the site. Mitigation can be in the form of minimising harm, through slight changes in the development plan or through direct management measures of the artefacts. Mitigation to harm of sites AFT 7, IF17, IF18 and IF19 may be possible through avoidance.

It is recommended that any surface artefact sites to be impacted by the development are salvaged by an archaeologist with representatives from the RAPs and removed from the areas where potential harm is to occur prior to the proposed works commencing. The artefacts should be collected and reburied in a safe area (in accordance with Requirement 26 of the Code of Practice), as close as possible to their original location, which will not be subject to any ground disturbance, unless otherwise requested by the RAPs.

9 LEGISLATIVE CONTEXT

Aboriginal heritage is primarily protected under the NPW Act and as subsequently amended in 2010 with the introduction of the *National Parks and Wildlife Amendment (Aboriginal Objects and Places) Regulation 2010*. The aim of the NPW Act includes:

The conservation of objects, places or features (including biological diversity) of cultural value within the landscape, including but not limited to: places, objects and features of significance to Aboriginal people.

An Aboriginal object is defined as:

Any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with the occupation of that area by persons on non-Aboriginal extraction and includes Aboriginal remains.

Part 6 of the NPW Act concerns Aboriginal objects and places and various sections describe the offences, defences and requirements to harm an Aboriginal object or place. The main offences under section 86 of the NPW Act are:

- A person must not harm or desecrate an object that the person knows is an Aboriginal object.
- A person must not harm an Aboriginal object.
- For the purposes of this section, "circumstances of aggravation" are:
 - that the offence was committed in the course of carrying out a commercial activity, or
 - that the offence was the second or subsequent occasion on which the offender was convicted of an offence under this section.
- A person must not harm or desecrate an Aboriginal place.

Under section 87 of the NPW Act, there are specified defences to prosecution including authorisation through an Aboriginal Heritage Impact Permit (AHIP) or through exercising due diligence or compliance through the regulation.

Section 89A of the Act also requires that a person who is aware of an Aboriginal object, must notify the Director-General in a prescribed manner. In effect this section requires the completion of OEH AHIMS site cards for all sites located during heritage surveys.

Section 90 of the NPW Act deal with the issuing of an AHIP, including that the permit may be subject to certain conditions.

The EP&A Act is legislation for the management of development in NSW. It sets up a planning structure that requires developers (individuals or companies) to consider the environmental impacts of new projects. Under this Act, cultural heritage is considered to be a part of the environment. This Act requires that Aboriginal cultural heritage and the possible impacts to Aboriginal heritage that development may have are formally considered in land-use planning and development approval processes.

Proposals classified as State Significant Development or State Significant Infrastructure under the EP&A Act have a different assessment regime. As part of this process, Section 90 harm provisions under the NPW Act are not required, that is, an AHIP is not required to impact Aboriginal objects. However, the Department of Planning and Environment is required to ensure that Aboriginal heritage is considered in the environmental

impact assessment process. The Department of Planning and Environment will consult with other departments, including Heritage NSW prior to development consent being approved.

The Rye Park Wind Farm modification proposal is a State Significant Development and will therefore be assessed via this pathway, which does not negate the need to carry out an appropriate level of Aboriginal heritage assessment or the need to conduct Aboriginal consultation in line with the requirements outlined by the OEH *Aboriginal cultural heritage consultation requirements for proponents 2010* (OEH 2010b).

10 RECOMMENDATIONS

The recommendations are based on the following information and considerations:

- Results of the archaeological survey;
- Consideration of results from the previous Rye Park Wind Farm heritage assessments;
- Results of consultation with the registered Aboriginal parties;
- Appraisal of the proposed development, and
- Legislative context for the development proposal.

It is recommended that:

1. The archaeological sites within the proposed additional areas have presented a low-density concentration of surface artefacts that have been assessed to hold a low scientific value. Based on the assessment of the sites and in consideration of discussions with the Aboriginal representatives during the fieldwork, it is not considered necessary to prevent all development of the proposal area, or for total avoidance of the Aboriginal heritage sites identified within the proposed works corridors.
2. Prior to development works commencing, all surface artefacts facing potential harm are collected during a salvage program, by a qualified archaeologist and RAP representatives, in accordance with the Conditions of Consent. Any artefacts collected would be buried in consultation with the Aboriginal community and would be in line with Requirement 26 of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW*. All AHIMS site cards must be updated to reflect that salvage has been undertaken and to record the reburial locations of artefacts. This includes all artefacts described in Section 4.3.1 of this report as:

Site Name	AHIMS Site ID	Site Type
AFT 7	51-5-	Artefact Scatter
IF17	51-5-	Isolated Artefact
IF18	51-5-	Isolated Artefact
IF19	51-5-	Isolated Artefact

3. The works within the proposed additional areas should avoid the identified cultural tree outlined in section 4.3.2 of this report.
4. If any objects suspected of being Aboriginal in origin are located in areas that fall outside the Modified Conditions of Consent (Development Consent SSD 6693), work must stop, and Heritage NSW notified.
5. In the unlikely event that human remains are discovered during the development works, all work must cease in the immediate vicinity. Heritage NSW, the local police and the RAPs should be

notified. Further assessment would be undertaken to determine if the remains were Aboriginal or non-Aboriginal.

6. Further archaeological assessment would be required if other proposed activity extends beyond the area of the current or previous investigations, as per Condition 25 of the CoC and the Archaeological Management Plan (2004 draft v4). This would include consultation with the registered Aboriginal parties and may include further field survey and subsurface testing.

11 REFERENCES

NGH (2020a), *Aboriginal Cultural Heritage Assessment Report: Rye Park Wind Farm Modification*, report prepared for Rye Park Renewable Energy Pty Ltd.

NGH (2020b), *Addendum Aboriginal Cultural Heritage Assessment Report: Rye Park Wind Farm Modification*, report prepared for Rye Park Renewable Energy Pty Ltd.

NSW Archaeology., 2013. Rye Park Wind Farm. Aboriginal Cultural Heritage Assessment. Unpublished report to Epuron Pty Ltd.

NSW Archaeology., 2015. Rye Park Wind Farm. Addendum Aboriginal Cultural Heritage Assessment. Unpublished report to Epuron Pty Ltd.

NSW Archaeology 2017 Cultural Heritage Management Plan. Draft v4. Unpublished report to Epuron Pty Ltd.

OEH 2010a, *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*.

OEH 2010b, *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

OEH 2011, *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW*.