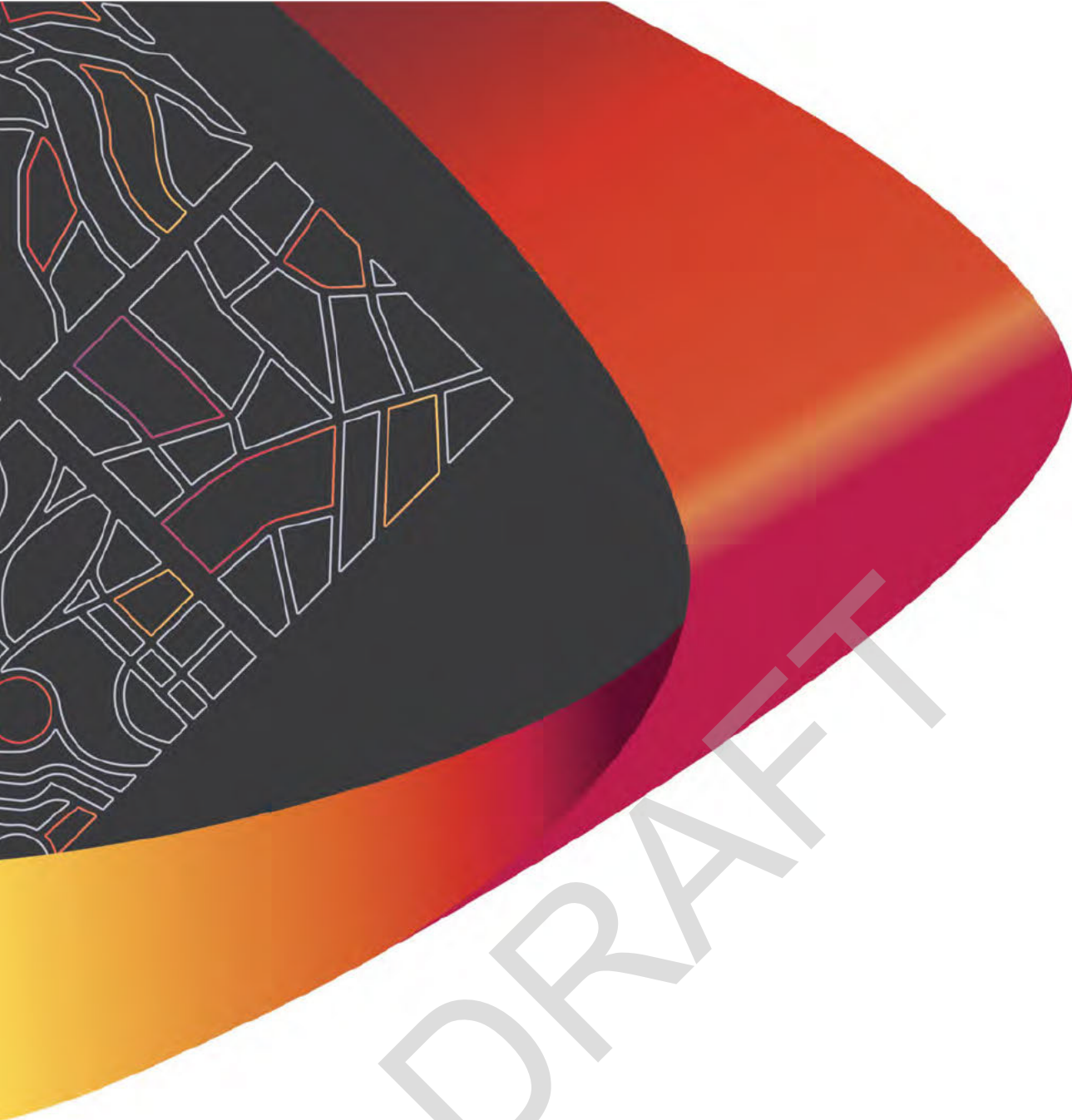




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ACENERGY PTY LTD

Gara Battery Energy Storage System

ABORIGINAL CULTURAL HERITAGE ASSESSMENT



Premise

Report No: P000974

Rev: 001H

3 November 2025

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Revision	Revision Date	Proposal Details			
A	23/09/24	Draft for client review			
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G	20/05/25	Revised Final incorporating DPHI review			
H	03/11/25	Revised Draft for RAP review REDACTED VERSION			
Prepared By		Prepared and Reviewed By		Authorised By	
Tamera Rudd		Latisha Ryall		David Walker	

INFORMATION HAS BEEN REMOVED FROM THIS REPORT DUE TO CULTURAL SENSITIVITY

ABBREVIATIONS

Abbreviation	Abbreviated term
ACHA	Aboriginal Cultural Heritage Assessment
ACHAR	Aboriginal Cultural Heritage Assessment Report
ACHCRs	Aboriginal Cultural Heritage Consultation Requirements for Proponents.
ACHMP	Aboriginal Cultural Heritage Management Plan
AHIMS	Aboriginal Heritage Information Management System
ALR	<i>Aboriginal Land Rights Act 1983</i>
ATSIHP Act	<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i>
BESS	Battery Energy Storage System
Code of Practice	<i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i> under Part 6 NPW Act. Issued by DECCW in 2010, the Code of Practice is a set of guidelines that allows limited test excavation without the need to apply for an AHIP. The test excavation program for this assessment was conducted under the Code of Practice.
DCCEEW	Department of Climate Change, Energy, the Environment and Water
Development Footprint	Defined as the land to be physically impacted by the construction of the project
DPE	(former) NSW Department of Planning and Environment
DPHI	NSW Department of Planning, Housing and Infrastructure
EIS	Environmental Impact Statement
EP&A Act	<i>NSW Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Commonwealth Environment Protection and Biodiversity Conservation Act 1999</i>
GSE	Ground surface exposure
GSV	Ground surface visibility
ha	Hectares
Heritage Act	<i>Heritage Act 1977</i>
Km	Kilometres
LALC	Local Aboriginal Land Council

Abbreviation	Abbreviated term
LEP	Local Environmental Plan
LGA	Local Government Area
m	Metres
MW	Megawatt
MWh	Megawatt per hour
NPW Act	<i>NPW Act National Parks and Wildlife Act 1974</i> . Primary legislation governing Aboriginal cultural heritage within NSW.
NTA	<i>Native Title Act 1994</i>
OEH	Office of Environment and Heritage (now Heritage NSW)
PAD	Potential archaeological deposit. Indicates that a particular location has potential to contain subsurface archaeological deposits, although no Aboriginal objects are visible.
Planning SEPP	<i>State Environmental Planning Policy (Planning Systems) 2021</i>
RAP	Registered Aboriginal Parties
RNE	Register of the National Estate
SEARS	Secretary's Environmental Assessment Requirements
Site	Defined as the land that is the subject of the application
SEPP	State Environmental Planning Policy
SSD	State Significant Development
SSDA	State Significant Development Application

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APPENDIX F ACHAR and Survey Methodology Letter

APPENDIX G Agency and RAP Notification

EXPLANATORY NOTE

This revised Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared by Premise Australia Pty Ltd (Premise) on behalf of ACEnergy (Proponent) as part of a State Significant Development Application for construction of a proposed Battery Energy Storage System and associated works at Gara, NSW.

The development, referred to as the 'Gara BESS' has been submitted to the Department of Planning and Environment (now Department of Housing and Infrastructure; DPHI) in April 2025. This revised ACHAR replaces Version 001G which formed part of the original submission.

Through this submission process, the site extent for the proposed works has been refined. This ACHAR has been revised to reflect design changes and associated impacts.

The design changes result in a reduction to the overall development footprint. The site area has been reduced from approximately 35.24 ha to 32.97 hectares (ha), while the development footprint has been reduced from approximately 22.43 ha to 20.97 ha, improving spatial efficiency and reducing ground disturbance.

All impacts remain within the original assessed survey area.

The following sections have been revised in this ACHAR:

Section	Changes Made
Explanatory Note	New section
Section 1	Proposed works update
Section 3	Aboriginal community consultation and Heritage NSW comments
Section 8	Changes to Survey discussion incorporating design refinements and changes to Section 8.3 Survey Unit calculations
Section 13	Impact Assessment updates
Figures 1-2, 5 and 27	Figures updated to show design changes within the site layout

EXECUTIVE SUMMARY

Premise Australia Pty Ltd (Premise) have been commissioned by ACEnergy to complete an Aboriginal Cultural Heritage Assessment Report (ACHAR) for a State Significant Development Application (SSDA). The ACHAR will support an Environmental Impact Assessment (EIS) submission for project approval.

ACEnergy is proposing to develop an approximately 400 Megawatt_{AC} (MW_{AC}), 1,760 MW hour (MWh) Battery Energy Storage System (BESS) and associated services located at 86 Woodlands Road, Armidale NSW.

The site is the land the subject of the development application and is defined by the red boundary in **Figure 2**. The site is located across the following land parcels:

- > Lot 1 DP246878
- > Lot 1 DP573787
- > Lot 144 DP755826
- > Lot 145 DP755826
- > Lot 153 DP755826
- > Unconstructed crown road reserve located between Lots 144 and 145 DP755826
- > Waterfall Way (Grafton Road) road reserve
- > Lot 7003 DP1060212 (travelling stock reserve)
- > Lot 7009 DP1060213 (travelling stock reserve)

The development footprint for the Gara BESS is all areas where physical impacts are proposed and have been assessed and is defined by the yellow boundary in Figure 2. The development footprint includes the BESS infrastructure, an upgraded property access and internal driveway, a connecting electricity transmission line and screening vegetation.

The site has an area of approximately 32.97 hectares (ha) while the development footprint has an area of approximately 20.97 ha. An archaeological survey was undertaken on 6 August 2024 by Premise Archaeologist (Latisha Ryall), one (1) Registered Aboriginal Party (RAP) representative and a representative from the proponent, ACEnergy. Results of the archaeological survey and extensive desktop research has determined the following:

- >
- > No new recorded Aboriginal sites were recorded during the archaeological survey;
- > The development footprint demonstrates low archaeological potential; and
- > The remainder of the site is considered to have been subject to disturbance through historical agricultural activities, clearance of vegetation, erection of farm infrastructure and road construction.

The following recommendations are made:

1. No further Aboriginal archaeological investigations are proposed.
2. A chance finds protocol should be developed as part of the Gara BESS Construction Environmental Management Plan (CEMP).
3. If unanticipated Aboriginal objects are uncovered during works, all work in the vicinity should cease immediately. A qualified archaeologist should be contacted to assess the find and Heritage NSW and Armidale and District LALC and RAPs for the project must be notified.
4. All impacts must remain within the assessed development footprint or further archaeological investigation may be required.

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1. INTRODUCTION

1.1 Project Background

Premise Australia Pty Ltd (Premise) have been engaged by ACenergy to prepare an Environmental Impact Statement (EIS) to support a State Significant Development Application (SSDA) for a proposed 400 Megawatt_{AC} (MW_{AC}), 1,760 MW hour (MWh) Battery Energy Storage System (BESS) and associated services in Armidale, NSW. As part of the EIS, an Aboriginal Cultural Heritage Assessment (ACHA) is required.

The site is the land the subject of the development application and the development footprint is all areas where physical impacts are proposed and have been assessed.

The site has an area of approximately 32.97 hectares (ha) while the development footprint has an area of approximately 20.97 ha located at 86 Woodlands Road, Armidale. The project will be known as the 'Gara BESS', named for the Gara River, situated approximately 2.6 kilometres (km) east of the site, and which was also the hoist of an early hydro-electric scheme.

The site is located in the Armidale Local Government Area (LGA) and is situated within the New England Renewable Energy Zone (REZ).

1.2 Approval Framework

The proposed development will be assessed as State Significant Development (SSD) under Part 4 Division 4.7 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and is subject to approval by the Department of Planning, Housing and Infrastructure (DPHI).

The Secretary's Environmental Assessment Requirements (SEARs) for the project were issued on 19 July 2024 (SSD-71680710). The SEARS specify that an Aboriginal Cultural Heritage Assessment Report (ACHAR) must be prepared to identify, describe and assess any impacts to any Aboriginal cultural heritage sites or values associated with the development footprint.

The SEARs relating to Aboriginal cultural heritage, and where they are addressed in this report, are listed in **Table 1** and are provided in **Appendix B**.

This ACHAR has been prepared in accordance with the following requirements and guidelines:

- > SEARs SSD-71680710;
- > *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010) (Consultation Requirements);
- > *Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW* (Code of Practice; (Department of Environment, Climate Change & Water [DECCW] 2010);
- > *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (Office of Environment & Heritage [OEH] 2011) (The ACHAR Guide); and
- > *The Burra Charter* (ICOMOS 2013).

Table 1 – Secretary's Environmental Assessment Requirements

SEARs	Requirements	Section
Planning Secretary's Environmental Assessment Requirements – Key Issues (Heritage)	<i>An Aboriginal Cultural Heritage Assessment Report (ACHAR) prepared in accordance with the Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH, 2011) and the Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW (DECCW, 2010), identifying, describing, and assessing any impacts to any Aboriginal cultural heritage sites or values associated with the site (including impacts from any proposed earthworks, construction works and road works), including results of archaeological test excavations (where required), undertaken in accordance with the relevant standards and requirements.</i>	Section 4, Section 8, Section 9 and Section 10
	<i>evidence of adequate and ongoing consultation with Aboriginal communities in determining and assessing impacts, identifying and selecting options for avoidance of Aboriginal cultural heritage and identifying appropriate and mitigation measures (including the final proposed measures), having regard to the Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW, 2010), including the consultation process within.</i>	Section 3 and Appendix C

1.3 Site and Locality

The site is the land the subject of the development application and is defined by the red boundary in **Figure 2**. The site is located across the following land parcels:

- > Lot 1 DP246878
- > Lot 1 DP573787
- > Lot 144 DP755826
- > Lot 145 DP755826
- > Lot 153 DP755826
- > Unconstructed crown road reserve located between Lots 144 and 145 DP755826
- > Waterfall Way (Grafton Road) road reserve
- > Lot 7003 DP1060212 (travelling stock reserve)
- > Lot 7009 DP1060213 (travelling stock reserve)

The development footprint for the Gara BESS is all areas where physical impacts are proposed and have been assessed and is defined by the yellow boundary in **Figure 2**. The development footprint includes the BESS infrastructure, an upgraded property access and internal driveway, a connecting electricity transmission line and screening vegetation.

The site has an area of approximately 32.97 ha, while the development footprint has an area of approximately 20.97 ha.

The site is situated approximately 10 km east of the Armidale Central Business District (CBD) in the Northern Tablelands of NSW. Armidale is a major agricultural centre within the New England Region and is situated approximately halfway between Brisbane, QLD and Sydney, NSW. A number of significant nature reserves are located in the landscape surrounding Armidale including Yina Nature Reserve (3 km northwest of the site), and the Imbota Nature Reserve (5 km southeast of the site).

The site and surrounding lands are zoned as RU1 Primary Production under the *Armidale Regional Local Environmental Plan 2012* (LEP), which are primarily used for agricultural practices including stock grazing.

The context of the surrounding area is characterised by rural agricultural lots. An existing dwelling and ancillary structures are located to the west of the site as well as the Sandon Grove Horse Agistment and associated infrastructure. Rural dwellings are also located east of the site separated by vegetation plantings.

A number of drainage channels run through the site which meander from Burying Ground Creek in the west towards the three (3) farm dams located across the property. The Gara River and Gara Dam are situated approximately 3 km east of the site. Commissioners Waters is also situated to the south of the site.

One (1) 132kV and one (1) 330kV electricity transmission lines run to the north of Lot 1 DP246878, and two (2) 132kV lines run to the south of Waterfall Way/Grafton Road adjacent to Lot 1 DP246878. The Gara BESS is proposed to connect to the 330kV transmission line.

The site is within the boundary of the Armidale and District Local Aboriginal Land Council (LALC).

The regional context of the site is shown in **Figure 1**.

The site and development footprint are shown in **Figure 2**.

Figure 1 – Regional Context

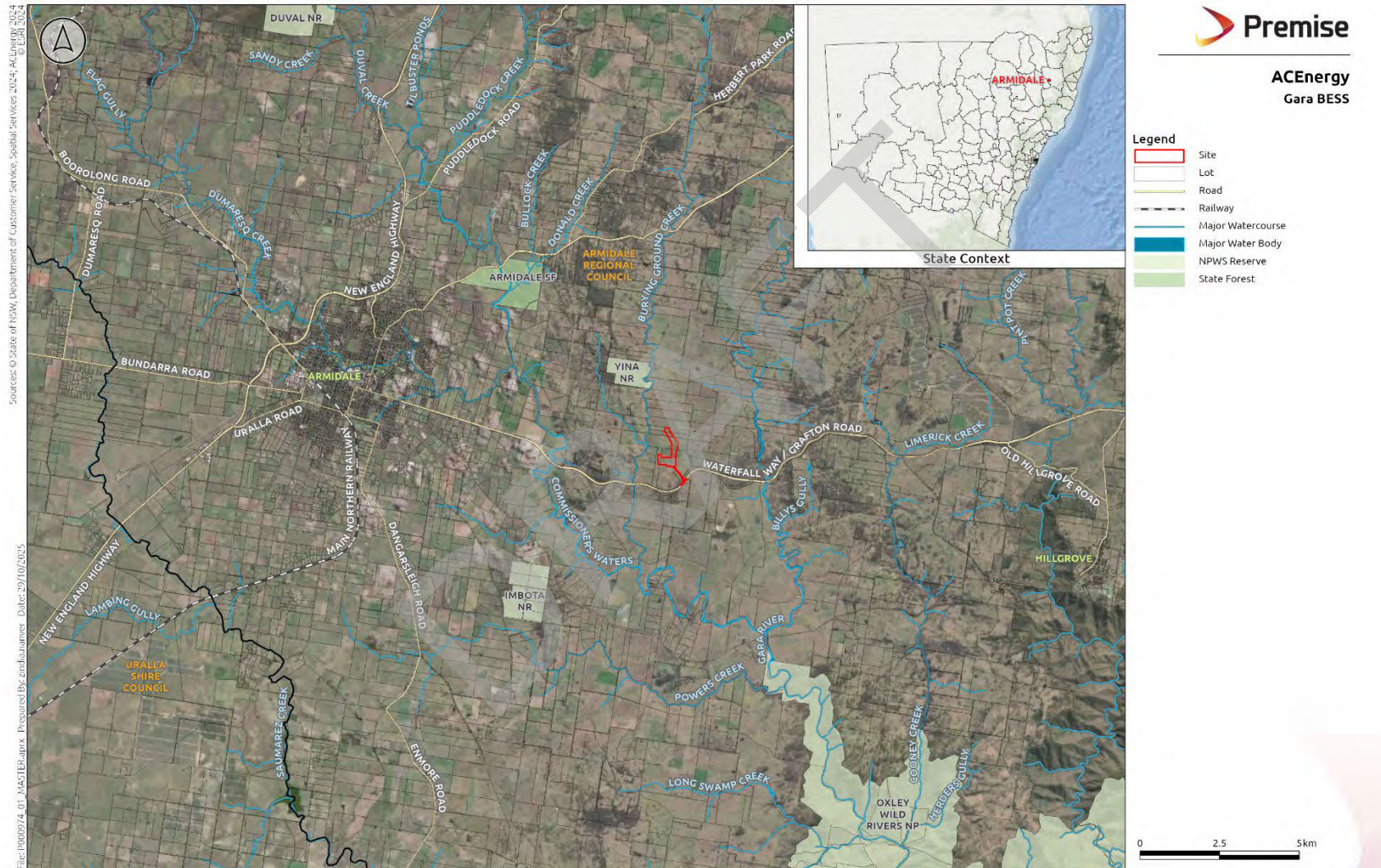


Figure 2 – Site and Development Footprint



1.4 Aboriginal Heritage

An extensive search of the online Aboriginal Heritage Information Management System (AHIMS) database has identified 39 previously recorded Aboriginal sites, within a 4 km radius of the site. Two (2) of those sites are located within 1 km of the development footprint. The location of the recorded Aboriginal sites is provided in **Section 6**.

1.5 Proposed Works

The proposed BESS will align with and be contained within the development footprint as shown in **Figure 2**. A BESS is a type of energy storage system which makes use of batteries to store and then distribute energy in the form of electricity. The batteries are charged by drawing energy from the grid.

The proposed work incorporates a 400 MW/1,760 MWh BESS, MVPS containers, and a connection station including control rooms. The development footprint has an area of approximately 20.97 ha and includes the following key infrastructure:

- > Approximately 336 lithium-ion batteries (BESS Units);
- > Approximately 112 power conversion systems including associated transformers (MVPS);
- > Underground power and fibre optic cabling interconnecting the equipment;
- > Earthing and lightning protection systems;
- > Grid connection facilities:
 - Establishment of a new 330kV switching station and connection asset within the project footprint, including switchgear, protection and control equipment, metering, reactive power equipment, filtering equipment, auxiliary transformers and enclosures/buildings for housing equipment;
 - total of five new towers proposed:
 - Cut-in to existing 330kV line via three new tri-pole towers to avoid replacing existing structure.
 - Loop-in, loop-out 330kV overhead lines connecting the line interface to the new switching station with approximately 1km length and supported by two dual-pole towers.
 - Construction stringing sites near the new structures for brake and wrench placement
 - Diverse communications path via combination of new OPGW (Optical Ground Wire) and new UGFC (Underground Fiber Cable). The new OPGW runs along the 330 kV overhead lines. The new UGFC will be installed in a trench but underground borings when crossing waterways.
 - A new access track connecting the new switching station to the new tower structures for construction and operation.
- > Site office, storage area/enclosure, internal access tracks, on-site parking, security fencing, CCTV, and temporary construction laydown area; and
- > 10m wide vegetation screening around the BESS Facility along the northern, western, and southern boundaries, and 20m wide vegetation along the eastern boundary;
- > Provision of upgrading existing site access from Waterfall Way to the south.

The primary components associated with the installation of the BESS are as follows:

- > Site investigations, vegetation clearing, road upgrades, levelling, access way construction, drainage system installation and installation of foundations/supports to install equipment on;
- > Transport to site and installation of equipment;
- > Testing and commissioning of the equipment; and
- > Operation and maintenance.

1.6 Proposal Refinements

The proposed BESS has undergone several proposal refinements including changes to the development footprint. Among other things, these changes have incorporated a larger assessment area to inform the archaeological survey (refer **Section 8**) along the potential route of the connecting transmission line located at the northern most extent of the site, including an area for an additional transmission tower. This included an approximately 60 m investigation area buffer extending to the east across Lot 145 DP 755826.

Proposed access options have been considered throughout the design process, with the use of the existing access point off Waterfall Way, subject to upgrades, considered the best option.

Following review of information received throughout the exhibition period in 2025, project refinements are limited to the following:

- > Relocation of vegetation buffer from the eastern boundary of Lot 1 DP 246878 to the BESS infrastructure, resulting in an increase of vegetation buffers along the eastern boundary of BESS infrastructure from 10m to 20m;
- > Relocation of acoustic barriers around the HV transformers;
- > Squaring of the proposed site access to 90 degrees with Waterfall Way to improve transport safety;
- > Project layout refinements of major infrastructure (including BESS and MVPS containers) due to selection of advanced products to improve operational efficiency and reflect revised distances between receptors and noise-generating equipment, resulting in minor changes of approximately 1–2 dB in construction noise predictions; and
- > Reduction in overall development footprint, the project site area has been reduced from approximately 35.24 ha to 32.97 ha, and the development footprint from 22.43 ha to 20.97 ha, improving spatial efficiency and reducing ground disturbance.

1.7 Assessment Objectives

The objectives of this ACHAR are to:

- > Assess the Aboriginal cultural heritage values of the site and development footprint, including archaeological and community cultural values, and the significance of identified values;
- > Identify Aboriginal cultural heritage values that may be impacted by the proposed work and implement measures to avoid significant impacts to these elements;

- > Ensure appropriate Aboriginal community consultation is undertaken through the assessment process;
- > Provide recommendations for mitigation and management measures of identified Aboriginal heritage values if required, should the proposed works proceed;
- > Provide a description of the scope of the proposed works and the extent of the development footprint;
- > Provide a description of the Aboriginal community involvement and Aboriginal consultation;
- > Provide a significance assessment of the development footprint including cultural and archaeological values;
- > Provide a description of the statutory requirements for the protection of Aboriginal heritage;
- > Provide an impact assessment for recorded Aboriginal sites and areas of archaeological potential; and
- > Provide measures to avoid, minimise, and if necessary, offset the predicted impacts on Aboriginal heritage values.

1.8 Report Limitations

This report has been prepared to assess Aboriginal cultural heritage values only. An assessment of historic heritage values is not included.

1.9 Authorships and Acknowledgments

The report was prepared by Tamera Rudd (Graduate Archaeologist, Premise) and Latisha Ryall (Archaeologist, Premise). Project direction and review was undertaken by David Walker (General Manager and Senior Town Planner, Premise). The qualifications and experience of consultants involved in the production of this ACHAR are outlined in **Table 2**.

A site inspection was undertaken on 6 August 2024 by Latisha Ryall, a RAP representative and Baris Aslan (ACEnergy).

2. LEGISLATIVE CONTEXT

2.1 State Legislation

2.1.1 NATIONAL PARKS AND WILDLIFE ACT 1974

The *National Parks and Wildlife Act 1974* (NPW Act), provides statutory protection for all Aboriginal 'objects' and 'places' in NSW.

The NPW Act defines an Aboriginal 'object' 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 (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

The NPW Act defines an Aboriginal 'place' as:

any place declared to be an Aboriginal place under section 84.

Part 6 of the NPW Act provides specific protection for Aboriginal objects and declared places where it is an offence to harm them without appropriate consent or defence. Harm is defined as destroying, defacing, damaging an Aboriginal object or place, or by moving an object from the land.

An Aboriginal place, as defined under Section 84, is declared by the Minister in recognition of its special significance with respect to Aboriginal culture. All Aboriginal objects are protected under the NPW Act irrespective of whether they are recorded or not and irrespective of their level of significance. However, areas are only gazetted as Aboriginal places if the Minister is satisfied that sufficient evidence exists to demonstrate that the location was and/or is of special significance to Aboriginal culture.

There are no gazetted Aboriginal places in the site.

As indicated in **Section 2.1.5**, pursuant to Section 4.41 of the EP&A Act, the development is SSD under Part 4 of Division 4.7 of the EP&A Act and permits under Section 90 NPW Act are not required.

2.1.2 NATIVE TITLE ACT 1994

The *Native Title Act 1994* was introduced to work in conjunction with the *Commonwealth Native Title Act 1993*. Native Title claims, registers and Indigenous Land Use Agreements are administered under this Act.

The *Native Title Act 1993* (NTA) recognises native title for Aboriginal peoples and Torres Strait Islanders. It provides a mechanism for recognising Native Title claims in circumstances where native title has not been extinguished and claimants, in accordance with the requirements of the NTA, can prove their rights and interests in land under traditional laws and customs. The NTA administers Native Title claims, registers and Indigenous Land Use Agreements.

The objects of the NTA are:

- (a) to provide for the recognition and protection of native title; and*
- (b) to establish ways in which future dealings affecting native title may proceed and to set standards for those dealings; and*
- (c) to establish a mechanism for determining claims to native title; and*
- (d) to provide for, or permit, the validation of past acts, and intermediate period acts, invalidated because of the existence of native title.*

A search of Native Title Vision (NTV) and review of the National Native Title Tribunal's Native Title Register was undertaken on 8 April 2024 and confirmed on 13 May 2025 to identify any Native Title claims or applications, or Indigenous Land Use Agreements at or near the site.

There are no Native Title claims currently registered in the site.

2.1.3 ABORIGINAL LAND RIGHTS ACT 1983

The *Aboriginal Land Rights Act 1983* (ALR Act) was established to reinstate ownership of traditional Aboriginal land to Aboriginal peoples. It recognises the spiritual, social, cultural and economic importance of land for Aboriginal people and provides a compensatory regime that recognises Aboriginal Land rights. The ALR Act allows land in NSW to be returned to Aboriginal peoples through a process of lodging claims for Crown lands.

The ALR Act established the NSW Aboriginal Land Council (NSWALC) and a collection of Local Aboriginal Land Councils (LALCs) throughout the State. These bodies have a function to:

(a) take action to protect the culture and heritage of Aboriginal persons in the council's area, subject to any other law, and

(b) promote awareness in the community of the culture and heritage of Aboriginal persons in the council's area.

The site is within the boundary of the Armidale and District Local Aboriginal Land Council (LALC).

2.1.4 HERITAGE ACT 1977

The *NSW Heritage Act 1977* (Heritage Act) provides recognition of native title for Aboriginal and Torres Strait Islanders and protects the state's natural and cultural heritage.

The Heritage Act provides protection for items of 'environmental heritage' including places, buildings, works, relics, movable objects or precincts considered significant based on historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic values.

While Aboriginal heritage is primarily protected under the NPW Act, it may be subject to provisions of the Heritage Act if it is listed on the State Heritage Register (SHR) or subject to an Interim Heritage Order (IHO).

Items considered to be significant to the state are listed on the SHR. Items listed on the SHR or subject to an IHO cannot be destroyed, demolished, altered, moved or damaged without approval from Heritage NSW and until the significance of the item has been assessed.

2.1.4.1 State Heritage Register

Section 22 of the Heritage Act established the SHR which lists places and object of state significance.

While the development is assessed as SSD and is therefore not subject to approvals under the Heritage Act, consultation with Heritage NSW and DPHI would be conducted as part of the consultation process to ensure appropriate management of potential heritage impacts.

A review of the SHR indicates that there are no Aboriginal places of significance listed under the NPW Act located within the site.

2.1.5 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

The NSW *Environmental Planning and Assessment Act 1979* (EP&A Act) establishes a framework for assessing cultural heritage values in the land use planning and development consent process.

The proposed works will be assessed under Part 4, Division 4.7 of the EP&A Act, which establishes an assessment and approval regime for SSD. Part 4, Division 4.7 applies to development that is declared to be SSD by a State Environmental Planning Policy (SEPP). Division 2.2 of the Planning Systems SEPP provides a declaration in relation to SSD and schedule 1 of the Planning Systems SEPP specifies at Section 20 that electricity generating works with a capacity of greater than 30 MW are SSD.

Pursuant to Part 4.41 of the EP&A Act an Aboriginal Heritage Impact Permit (AHIP) under Section 90 of the NPW Act is not required for SSD.

The EP&A Act also requires local governments to prepare planning instruments (such as Local Environmental Plans [LEPs] and Development Control Plans [DCPs]) in accordance with the EP&A Act to provide guidance on the level of environmental assessment required. The development site falls under the *Armidale Local Environmental Plan 2012* (LEP) and the *Armidale Dumaresq Development Control Plan 2012* (DCP).

2.1.6 ARMIDALE REGIONAL LOCAL ENVIRONMENTAL PLAN 2012

The aim of the *Armidale Regional Local Environmental Plan 2012* (LEP) in relation to Aboriginal heritage is to conserve Aboriginal objects and Aboriginal places of heritage significance. Heritage sites of local significance within the Armidale LGA are listed under Schedule 5 of the LEP.

The LEP also stipulates development controls in relation to development proposed on or nearby heritage listed properties, archaeological sites, or Aboriginal places of heritage significance.

There are two (2) objects or places of Aboriginal heritage significance (specified under Part 4 of the LEP) located within the Armidale LGA including:

- > Reba, Mount Boral, Black Mountains Area (Item no, AH01) located approximately 40 km north of the site; and
- > Tingha Stone Woman (Item no. AHOM) located approximately 130 km northwest of the site.

2.1.7 STATE ENVIRONMENTAL PLANNING POLICY (PLANNING AND SYSTEMS) 2021

The *State Environmental Planning Policy (Planning Systems) 2021* (Planning SEPP) identifies development which is declared to be state significant.

Schedule 1, Section 20 of the Planning SEPP identifies development for the purpose of electricity generating works and heat or co -generation that has a that has a capital investment value of more than \$30 million, or more than \$10 million and is located in an environmentally sensitive area of State significance, as State Significant Development.

The proposed works have a capital investment value of more than \$30 million and have been classified as SSD under SSD-71680710.

Section 2.10 of the Planning Systems SEPP confirms that local Council development control plans do not apply to state significant projects.

2.2 Commonwealth Legislation

2.2.1 ENVIRONMENTAL PROTECTION AND BIODIVERSITY ACT 1999

The *Environment and Heritage Legislation Amendment Act (No. 1) 2003* amends the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) to include 'national heritage' as a matter of National Environmental Significance and fully protects listed places under the Constitution.

The EPBC Act further establishes and lists protected heritage items under the National Heritage List and the Commonwealth Heritage List.

Chapter 3 of the EPBC Act assists the Minister to:

...decide whether an action that has, will have or is likely to have a significant impact on certain aspects of the environment should proceed.

Any action, including a project, development, undertaking, activity, series of activities or alteration, which will or is likely to have a significant impact on Matters of National Environmental Significance (MNES) may only occur with approval of the Minister for the Environment and Energy obtained under Part 9 of the EPBC Act.

The *Australian Heritage Council Act 2003* established a new heritage advisory body, the Australian Heritage Council, to advise the Minister and retain the Register of the National Estate (RNE). The RNE was closed in 2007 and no longer remains statutory, however retains an archive of heritage places throughout Australia.

These Acts provide protection for Australia's natural, Indigenous, and non-Indigenous heritage to include:

- > A new National Heritage List of places of national heritage significance;
- > A new Commonwealth Heritage List of heritage places owned or managed by the Commonwealth;
- > The creation of the Australian Heritage Council, an independent expert body to advise the Minister on the listing and protection of heritage places; and
- > Continued management of the non-statutory Register of the National Estate.

A review of the World, National, Commonwealth Heritage List and RNE was undertaken on 8 April 2024 and again on 13 May 2025. The results are summarised in the following subsections.

2.2.2 NATIONAL HERITAGE LIST

The National Heritage list contains heritage places of outstanding heritage significance to the nation, protected under the EPBC Act. It prohibits any person from taking an action that has, will have, or is likely to have, a significant impact on the national heritage values of a national heritage place without the approval of the Minister for the Environment.

The Australian Heritage Council, with the support of the Department of Environment and Energy, seeks to ensure that all places recommended by it to the Minister for listing meet the stringent criteria set out in legislation.

There are no items listed on the National Heritage List located within the site.

2.2.2.1 Commonwealth Heritage List

The Commonwealth Heritage List is a list of Indigenous, historic, and natural heritage places owned or controlled by the Australian Government.

There are no items listed on the Commonwealth Heritage List located within the site.

2.2.2.2 Register of the National Estate (RNE)

The Register of the National Estate (RNE) is a list of natural, Aboriginal, and historic heritage places throughout Australia, originally established under the Australian Heritage Commission Act 1975. The RNE ceased to be a statutory register in February 2012, however, is now a publicly available archive (Australian Heritage Database) that is maintained on a non-statutory basis.

There are no Aboriginal significant items or places listed on the RNE located within the site.

2.2.3 ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION ACT 1984

The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSIHP Act) provides for the preservation and protection of Aboriginal cultural property in Australia and in Australian waters that are of particular significance to Aboriginal peoples such as places, objects, and folklore in accordance with Aboriginal tradition.

Aboriginal tradition as defined under the ATSIHP Act, refers to:

...the body of traditions, observances, customs and beliefs of Aboriginals generally or of a particular community or group of Aboriginals, and includes any such traditions, observances, customs or beliefs relating to particular persons, areas, objects or relationships.

Archaeological sites or objects registered under State legislation will typically be recorded as Aboriginal places subject to the provisions of the Commonwealth.

The ATSHIP Act takes precedence over State cultural heritage legislation where there is conflict. Under Section 10 of the ATSIHP Act, The Minister may make a declaration that overrides state or territory decisions in situations where state or territory laws do not provide adequate protection of heritage.

No declarations relevant to the site have been made under the ATSIHP Act.

3. CONSULTATION

3.1 Agency Consultation

In preparation of this ACHAR, both Heritage NSW and DPHI were consulted on the project amendments:

Comments on the revised draft ACHAR were received from Heritage NSW and have been incorporated into this report (refer Table 2).

Table 2 – Heritage NSW Advice

Agency	Advice	Response
Heritage NSW	Please update Appendix C of the ACHA to provide evidence demonstrating consultation was undertaken with all Aboriginal stakeholders identified by statutory agencies in the registration process and subsequent consultation documentation was provided including: • Project Methodology • Draft ACHA Heritage NSW also notes that the summary of the consultation process provided in Section 3 of the ACHA indicates that last date of consultation was October 2024. Under Heritage NSW policy and guidelines, breaks in consultation of over six months may not constitute continuous consultation. Heritage NSW advises that the proponent should provide an update on the SSD to the RAPs.	The Applicant confirms all RAPs were invited to register for the project in accordance with Section 4.1.3 of the consultation guidelines and provided with the draft methodology and draft ACHA for review and feedback. Redacted copies of consultation are provided in Appendix A. Unredacted copies are provided to DPHI under separate cover and not for publish on the major projects portal. The Applicant acknowledges Heritage NSW's advice regarding the break in consultation since October 2024 and has since provided an update on the SSD to all RAPs to ensure that consultation remains continuous in accordance with Heritage NSW policy – refer Appendix A. A revised ACHA identifying the refined disturbance area within the development footprint will be reissued for RAP consultation with a 28 day review period. The draft revised ACHA is currently under RAP consultation has is appended to the Amendment Report for reference, with the final report to be provided in full upon completion of the consultation process.

3.2 Aboriginal Community Consultation

Consultation with Aboriginal people is an integral part of the process of investigating and assessing Aboriginal cultural heritage.

Consultation with Aboriginal community members was undertaken in accordance with clause 80C of the *National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010* and the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010).

The consultation steps outlined in the 2010 Guide are listed below:

- > Step 1 – Notification of project proposal and registration of interest.
- > Step 2 – Presentation of information about the proposed project.
- > Step 3 – Gathering information about cultural significance.
- > Step 4 – Review of draft cultural heritage assessment report.

Opportunity for providing input into the cultural heritage values of the site was provided in the ACHAR methodology, including invitation for feedback on the ACHAR methodology:

- > During consultation undertaken between February to September 2024 and October -November 2025 by Premise; and
- > During archaeological survey undertaken in August 2024 by Premise and RAPs.

A consultation log has been maintained through the assessment process which details all correspondence with the Registered Aboriginal Parties (RAPs) for the proposed works (refer **Appendix C**).

3.2.1 IDENTIFICATION OF STAKEHOLDERS AND REGISTRATIONS OF INTEREST

In accordance with Stage 4.1.2 of the Consultation Requirements, correspondence in the form of notification letters were issued on 7 May 2024 to the following organisations requesting details of Aboriginal people who may hold cultural knowledge relevant to determining the Aboriginal significance of Aboriginal objects and/or places within the Armidale LGA.

- > National Native Title Tribunal;
- > Native Title Services Corporation Limited (NTSCORP);
- > Heritage NSW;
- > The Registrar, Aboriginal Land Rights Act 1983 (Office of the Registrar);
- > Northern Tablelands Local Land Services (NTLLS);
- > Armidale Local Aboriginal Land Council; and
- > Armidale Regional Council.

In accordance with Stage 4.1.3 of the Consultation Requirements, Premise placed an advertisement in the Armidale Express newspaper which was published on 10 April 2024. The advertisement invited all Aboriginal persons and organisations who hold cultural knowledge relevant to determining the significance of Aboriginal objects and places in the site to register their interest (see **Appendix D**).

Also, in accordance with Stage 4.1.3, registration of interest letters and/or emails were sent on 15 May 2024 to all Aboriginal persons and organisations identified through responses from the agencies contacted during Step 4.1.2 (refer **Appendix E**). The letters provided details on the location and nature of the proposed works, as well as an invitation to register as an Aboriginal stakeholder. Fourteen (14) days were allowed for registrations.

The following groups or individuals registered their interest and for the Gara BESS project. These groups or individuals constitute the Registered Aboriginal Parties (RAPs) for the Gara BESS and are listed below:

[REDACTED]

In accordance with Step 4.1.6 of the Consultation Requirements, a list of RAPs, a copy of the newspaper advertisement, and a copy of the invitation to register an interest, were forwarded to Heritage NSW and the Armidale LALC on 27 June 2024 (refer **Appendix G**).

3.2.2 REVIEW ASSESSMENT METHODOLOGY

A copy of the proposed ACHAR methodology was distributed to RAPs on 27 June 2024 with a mandatory 28-day period for review and comment. The document included details of the proposed works, and a summary of proposed ACHAR assessment and survey methodology (refer **Appendix F**).

- > Response from three (3) RAPs stating their support in the proposed methodology.
- > Comments from two (2) RAPs expressing concerns with the list of RAPs provided in the methodology.
- > Four (4) RAPs expressed their interest in attending the archaeological survey.

Plans provided to RAPs during the consultation phase have been superseded.

No comments were received from the RAPs on the potential significance of the development site through review of the assessment methodology or during initial correspondence.

3.2.3 SURVEY

An archaeological survey of the proposed development footprint was completed on 6 August 2024 by Latisha Ryall (Archaeologist), together with a RAP representative, and a AC Energy client representative. The survey area boundary was slightly modified in the field based on site conditions, including vehicle access restrictions from recent rain events and areas with low archaeological visibility; however, this did not impact on the cumulative survey results.

The AHIMS site register was consulted prior to attendance on site, to determine if any previously recorded sites were located in, or near, the subject area.

Previous archaeological studies and AHIMS site cards were also shared on site to familiarise all survey participants with local archaeology, and recent investigations in the area.

Discussions held during the archaeological survey and post survey between archaeologists and RAPs indicated that the area had been subject to agricultural disturbance over the past 150 years, consistent with the current land use. Vegetation had mostly been cleared across the site, with some remnant vegetation located in the northern portion of the development footprint area, however no sensitive areas were identified.

Areas with sensitivity were noted to be outside of the site on land where previously recorded sites are located to the south. Areas more likely to be considered sensitive were also observed to the west on the lower slopes and closer to the Burying Ground Creek line and land further north of the site along the clearly defined ridgelines. Additionally, areas of sensitivity are most likely to occur in areas with increased ground exposures.

A comprehensive discussion of the archaeological survey is provided in **Section 8**.

No archaeological sensitivity or newly identified sites were observed during the survey.

3.2.4 ABORIGINAL CULTURAL VALUES

An invitation for RAPs to provide input or comments on Aboriginal Heritage cultural values for the Gara BESS were provided through the assessment process and during archaeological survey.

[REDACTED]

Through the consultation process, no specific information was provided on the significance of the site, however cultural information was received on the surrounding Armidale and Tablelands region.

Given the lack of artefactual material identified within the development footprint and the overall low to moderate levels of ground disturbance through historic agricultural activities and clearing of vegetation occurring across the land, the Aboriginal cultural values of the site are considered low. It is acknowledged though, that cultural values exist across all landscapes.

Aboriginal sites located outside of the development footprint (refer **Section 6**) are representative of the presence of Aboriginal peoples utilising the landscape for various resources and cultural values, historically expressed by local Aboriginal groups. These areas include waterways such as the Gara River and Commissioners Waters, mountain ranges such as Mount Duval and especially the Black Mountain, which holds particular significance to local Aboriginal men. The gazetted Aboriginal Place 'North Hill' is considered significant for several Aboriginal groups for its association as being used as a campsite, for communication signal points and ceremony activities with various songlines extending to and from this area.

It is noted that in respecting the Aboriginal community, not all cultural heritage sites should be mapped or identified, therefore unknown cultural sensitivities may be present across the wider landscape.

Cultural information and values provided by Anaiwan and Gumbaingarr representatives have been summarised below in the following sections, with correspondence attached in **Appendix C**.

3.2.4.1

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



3.2.5 REVIEW OF DRAFT ACHAR

A copy of the DRAFT ACHAR (Version 001B) was provided to RAPS for a 28-day review period on 1 October 2024, requesting comments and feedback to be provided by 29 October 2024.

At the end of the review period 5 RAP groups/individuals had provided a written and/or verbal response:

- > Four responses indicated support of the ACHAR.
- > One response does not support the ACHAR, however, ongoing consultation rectified these concerns, and no further action is required.

No further responses have been received.

A final draft was issued to the client on 31 October 2024 (Version 001C) incorporating RAP feedback and a final was prepared on 21 November 2024 (Version 001D). Several administrative changes were subsequently made to the document with reference to descriptor names for the project based on internal review (Versions 001E-001F) The revised final was submitted on 20 May 2025 for submission and issued to the Department and Heritage NSW for review (Version 001G).

3.2.6 REVIEW OF REVISED DRAFT ACHAR

A copy of the revised DRAFT ACHAR (Version 001H) incorporating design refinements was provided to RAPS for a 28-day review period on 3 November 2025, requesting comments and feedback to be provided by 1 December 2025.

At the end of the revised Draft ACHAR review period X RAP groups/individuals had provided a written and/or verbal response summarised as:

- > TO BE UPDATED

4. ENVIRONMENTAL CONTEXT

4.1 Landform, Geology and Soils

Armidale is situated within the New England Tableland Bioregion of NSW which has an approximate area of 3,004,202 ha, extending from Walcha in the south up into the southern boundary of Queensland (NSW NPWS, 2003: 157). The landform across this bioregion consists of hills and plains with elevations between approximately 600 and 1,500 metres (m).

The site is situated within the Middle Earth soil landscape which consists of undulating plains, rises and foot slopes across Sandon Beds (eSpade). Soils across this landscape are characterised as Yellow Kurosols and Chromosols (Yellow Podzolic Soils) which accounts for approximately 60% of the landscape. The dominant soil characteristics include yellow-brown sandy clay loams which range from brown-black to dark yellow in colour. Silty clay loams and silt loam are also present, and soils have a high erodibility across this landscape.

Sapphires, diamonds, tin and gold exist across the New England Tableland bioregion and have been extensively mined (NSW NPWS, 2003: 158). The bioregion of sedimentary rocks dating to the Carboniferous and Permian age with conglomerates, sandstone, siltstones and shale are commonly identified across the Armidale region. However, the natural geological resources identified across the Middle Earth soil landscape consist of chert, slate and ferricrete (eSpade).

Land use across the Middle Earth soil landscape is used for stock grazing while some native and introduced pastures also exist on grazing lands. Natural materials identified across this landscape consist of chert, slate and ferricrete. These landforms were observed during the archaeological survey.

4.2 Vegetation

Vegetation across the Middle Earth soil landscape is representative of extensively cleared open woodland areas. Blakely's Red Gum trees (*Eucalyptus blakelyi*) are particularly prevalent across the landscape with less commonly identified tree species including *E. caliginosa* (broad-leaved stringybark), *E. viminalis* (ribbon gum), *E. nova-anglica* (New England peppermint), *E. youmanii* (Youman's stringybark), *E. andrewsii* (New England blackbutt), *E. melliodora* (yellow box), *E. bridgesiana* (apple box), *E. stellulata* (black sally), *E. dalrympleana* (mountain gum), *Acacia filicifolia* (fern-leaved wattle), *A. implexa* (hickory wattle) and *Allocasuarina sp.* (she oak) (eSpade).

A desktop review of satellite imagery of the site indicates planted vegetation located north of the development footprint as well as scattered trees across the site. Vegetation identified during the site inspection is detailed in **Section 8**.

4.3 Hydrology

The New England Tableland Bioregion includes parts of the Clarence, Macleay, Namoi, McIntyre, Gwydir and Manning River catchments (NSW NPWS, 2003: 157). The development site is located within proximity to the Macleay River Catchment which extends from the ocean at South West Rocks near Kempsey in the east towards Armidale and Gara in the northwest. The Macleay River is approximately 300 km in length and is joined by 26 tributaries.

The Burying Ground Creek is located within 1 km to the east of the site and meanders from north to south. This creek is 4.46 km in length and streams into the Commissioners Waters in the south (approximately 3.5 km south of the site) which is part of the Macleay River catchment. The Commissioners Waters flows towards the south until it reaches its confluence with the Gara River which is situated approximately 2.6 km to the east of the site. The Gara River is a tributary of the Macleay River and is approximately 91 km in length. The river is impounded by Guyra Dam and the Malpas Dam to the north.

4.4 Historical Context and Land Use

The broader area of Armidale has been utilised by European settlers from the 1830s for large pastoral properties. Stock grazing has been particularly prevalent across the region as well as cropping since European explorer, John Oxley's arrival to the region and his recommendation in 1818 that these lands were ideal for pastoral activities.

Historical aerial imagery available for the site and development footprint has identified that the land has been cleared of vegetation since at least 1991 (see **Figure 4**). Historical imagery dating to 1956 (see **Figure 3**) suggests that vegetation across the majority of the site occurred between 1956 and 1991, with vegetation retained primarily along Waterfall Way. Vegetation also appears to have been planted on the northern boundary of Lot 1 DP 246878, which is associated with a farm dam and drainage lines) between 1991 and present.

The land appears to have been subject to grazing activities, however, does not show signs of cropping activities. Moreover, the landscape is relatively undisturbed in imagery dating to 1956 suggesting that agricultural practices across the land begun after this period. Erosion appears across the site in approximately 1991 indicating possible stock grazing or heavy flood events.

Open woodland areas exist to the south and east of the development footprint which appear to have been undisturbed. Surrounding landscapes are utilised for agricultural purposes including stock grazing and hobby farming.

Overall, the development footprint has been subject to moderate levels of disturbance through stock grazing, vegetation clearing as well as the implementation of new plantings, and construction of Waterfall Way in the south.

Figure 3 – Aerial Imagery 1956 (Site in red)

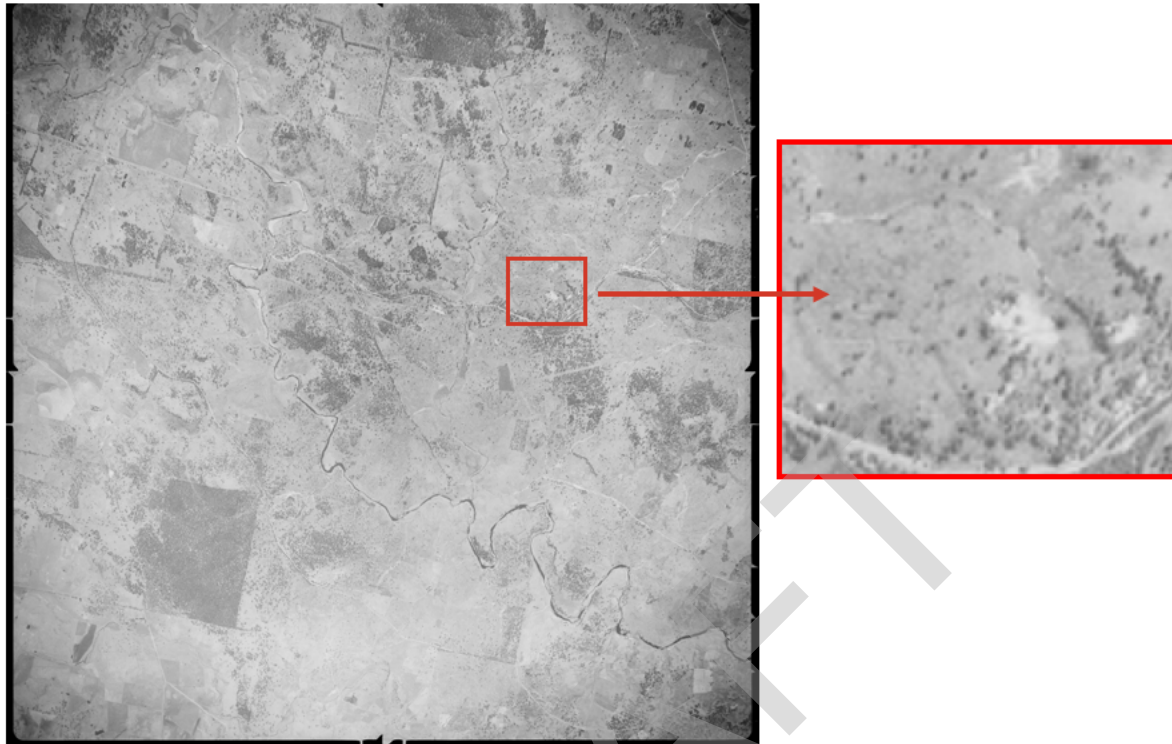


Figure 4 – Aerial Imagery 1991 (Site in red)



4.5 Current Site Conditions

The majority of the site is currently utilised for agricultural activities, primarily grazing of cattle and sheep.

The landform had been cleared mostly of vegetation. During the archaeological survey, native grasses and patches of scattered trees were observed across the site. Farm infrastructure including access gates and boundary fences is in situ. Telegraph lines and gas lines were also observed along the road easement of Waterfall Way. An electrical infrastructure in the form of Transmission towers were located in the northern most portion of the site. Gravel access roads were observed on entry to the site from Waterfall Way and over creek lines.

Implementation of roads and nearby properties and infrastructure have contributed to ground disturbance in the area.

5. ABORIGINAL ARCHAEOLOGICAL CONTEXT

5.1 Ethnographic Aboriginal Context

It is important to note that Aboriginal communities are based largely on varying language groups rather than the geographical boundaries of an area. It is likely that these boundaries in pre-European Aboriginal society, were fluid and often intersected into different towns or regions.

As previously mentioned in **Section 3.2.4**, it is important to note that there are differing opinions on the Traditional Owners of this landscape. It is acknowledged that opposing beliefs occur between the Anaiwan/Nganyawana and the Gumbaingarr Aboriginal people/s, identified through ongoing consultation that this strong discord exists, and 'traditional ownership' of Country has not been 'officially' determined.

The site is situated on land previously occupied by the Nganyaywana people/s who speak the 'Anaiwan' language. The term 'Anaiwan' is a modern one and is used as a blanket term for all Aboriginal languages spoken across the New England Tableland region, including the Ambēyan, Anēwan, Inawan, Yaniwan and Rādhūn languages, although, other languages were likely also spoken across the area (Clayton-Dixie, 2019).

The Gumbaingarr Aboriginal people/s also believe they are the Traditional Owners of this land.

The site also forms part of the Murray Darling region which contains some of the oldest known Aboriginal sites in Australia, including the human remains which were discovered at Lake Mungo, dating back to approximately 40,000 years ago (Heritage Insight Pty Ltd, 2012: ii). This evidence suggests that the Aboriginal community have occupied the lands within the Murray Darling region for at least 40,000 years prior to European colonisation of Australia. It is believed that the Anaiwan people/s have lived in the New England Tablelands region for at least 6,000 years (OzArk, 2023: 22).

In 1818, European explorer John Oxley identified the Armidale region as having a high potential for pastoral landholdings. Armidale was once more visited by European explorers including Cunningham in 1825, Sturt in 1828 and Thomas in 1831 with the first official settler in the region being Henry Dangar in 1833 (Hill,

Fowler and Robins, 2016: 26). In September of 1839, government records indicate that 27 European stations existed across the Tablelands region and by 1841, the area was considered one *of the best grazing districts in the colony* (Governor Gipps, as sourced from OzArk, 2023: 22).

The first mention of the Anaiwan people/s in ethnographic record dates to 1845 (Macdonald) who estimates that the population of the Anaiwan peoples across the New England Tablelands was approximately 600 people (Hill, Fowler and Robins, 2016: 26). Records from early European settlers suggests that Aboriginal occupation of the Armidale lands was seasonal and transitory. Some reports mentioned bark huts which were abandoned across the Armidale area which further emphasises the likelihood of temporary occupation of the area. It is important to note however, that investigations on Aboriginal histories in Armidale undertaken in the 1980s dispute this theory and suggested that occupation of Armidale occurred all year (Apex Archaeology, 2018: 12).

It is thought that Aboriginal society focused on small familiar groups with immediate family members making shelter, sourcing food and performed daily rituals within their campsite. This is seen in the archaeological landscape in the form of small campsite areas characterised by small artefact scatters. However, these small family units formed part of a larger band which comprised a number of families. Places that were frequented more often would often develop into larger site complexes represented by higher artefact densities and a more diverse archaeological record.

The local Aboriginal community of Armidale utilised the abundance of natural resources in the area for sources of food with the Gara River and associated creeks likely providing fish and shellfish, while the surrounding landscape provided hunting grounds. Marsupials, particularly possums, were consumed by the local Aboriginal community with roots, seeds and fruits also sourced from the lands (Kaas, 1991: 6). The introduction of sheep to the land shortly after the arrival of the European fleet impacted the availability of seeds and plants for Aboriginal people/s. Sheep and other stock grazed across the lands began consuming the foods which the Aboriginal community relied upon, causing further conflict between the Aboriginal and European communities. Rugs and cloaks were also created from the skins of kangaroo and possums, fashioned with bone needles and animal sinew threads. Bags, fishing nets and wooden vessels were manufactured with bark, wood and other animal materials (EMM, 2018: 29).

The population of the Aboriginal community (including those living across the Armidale landscape) significantly decreased as a result of European occupation. This came through the introduction of foreign diseases (including measles, influenza and smallpox) which impacted not only the local community of Armidale, but across the entirety of NSW. The dispossession of their lands (for the purpose of stock grazing by the European settlers) and restricted access to traditional food resources also resulted in a major decline in population and the loss of traditional customs, ceremonies and ways of life. Warfare broke out between the two people/s further diminishing the Aboriginal population to almost half, with over 40 documented incidents of frontier conflict occurring across the southern portion of the Tablelands region alone (OzArk, 2023: 24). By the early 1840s (less than 10 years following the arrival of European settlers to the region) the Anaiwan people/s were already outnumbered by the colonists.

The gold rush period which occurred in the mid-1850s resulted in the migration of European settlers away from the Tablelands region towards the south. In turn, Aboriginal people/s began to return to the

Tablelands, however, the reduced number of European settlers in the area meant a lack of labourers was apparent and the Aboriginal community were soon forced to participate in pastoral work (OzArk, 2023: 23). The Aboriginal community gradually became more dependent on the European community with an abstract in the Armidale Express newspaper dating to 23 October 1860 stating the following:

It must be apparent to every observer how very sensibly the means of the Aborigines are diminishing when camping near Armidale. A sheet of bark that would protect them from the rain and cold cannot be procured, and the green wood of the white gum has frequently to serve them for fuel. The opossum no longer furnishes a meal, which has now generally to be supplied from the offal of the slaughter-yard. Every year renders the Aborigines more and more dependent on the white population. In some of the settlements before many years, they will either die off or have to work for their subsistence (Trove, 1860).

The major pastoral exploitation of the New England Tablelands by European colonists resulted in the loss of Aboriginal culture, particularly their language, faster here than in other regions of NSW (Clayton-Dixie, 2019). The Anaiwan languages became dormant decades ago, whilst neighbouring nations (including the Gamilaraay and Dhanggati) maintained connections to their languages into the late 20th and even into the 21st century (Clayton-Dixie, 2019). Similarly, the population of the Anaiwan people/s was reported to have been much smaller than other Aboriginal nations who were thousands in number. G W Rusden in the late 1850s states that while the Aboriginal people/s here spoke a difference dialect to those in Moreton Bay, the Clarence River and at Port Macquarie, these communities remained *intelligible to one another throughout a vast tract of inland country* (Clayton-Dixie, 2019).

Moreover, Aboriginal people/s were forced to move into Aboriginal Reserves and Missions, one of which was located on the outskirts of Armidale and was opened in 1851 by Commissioner Massie. This reserve was:

for use by Aborigines of 350 acres had been put aside, which contained good cultivation ground, good water and every essential requisite for the permanent location of the Aborigines, should they feel disposed to forget their migratory habits (Masie 1851, taken from Hill, Fowler and Robins, 2016: 26).

At Aboriginal Reserves and Missions, Aboriginal people/s were forbidden from speaking their language, from hunting and from participating in cultural practices. Aboriginal children were also commonly dislocated from their families and traditional lands by the Aboriginal Protection Board.

By the 1900s, Aboriginal peoples had settled on land in the outskirts of Armidale at a rubbish tip. This area was referred to as 'Dark Town' by the European community, and encompassed tin humpies, crafted from the rubbish discarded at the rubbish tip.

As this fringe camp was located at rubbish tip, there were a significant number of health risks which resulted in the loss of a number of Aboriginal people/s. Newspaper articles commonly captured the harsh conditions in which this Aboriginal community lived in. For example, the camp had no access to fresh water, and the only water tap on site was turned off in 1957 due to a severe drought. This tap serviced over 80 Aboriginal peoples and was turned off by the Armidale Council who were concerned they would leave the tap running

and waste water (Wright, 2019: 1). This tap was turned off for over one (1) year. Similarly, 1956 to 1961, the land had no sewerage or electricity, hence the name 'Dark Town.'

By 1958, there were approximately 100 Aboriginal people/s living on the site which contained contaminated soils and no appropriate utilities or water source. The land was declared as an Aboriginal Reserve, known as the East Armidale Aboriginal Reserve.

Notwithstanding the loss of traditional languages and cultural practices, the Anaiwan people/s hold strong ties to their cultural heritage today. The Anaiwan people/s are commonly associated with the 'Iwata' totem, representing an echidna which is still significant to the Aboriginal community today.

5.2 Previous Archaeological Assessments

A number of archaeological investigations took place across the Armidale region between the late 1980s and the 1990s. These assessments identified that the Aboriginal people of the community occupied the landscape in a transitory manner. This is seen through the archaeological record which shows sites were primarily single activity areas (lower abundance of materials) while areas occupied for longer periods of time were located closer to permanent water sources and included more complex and a higher abundance of sites (OzArk, 2023: 29).

In 1980s, Williams (1980) excavated a number of rock shelters within and surrounding the Mount Yarrowyck Art Site, located west of Armidale. Evidence across the site suggested that the area had been occupied for at least 400 years, and possibly dating back to 4,000 years ago. Mount Yarrowyck was assessed as being a ceremonial site rather than a habitual site (Remnant Archaeology, 2029: 13).

In 1983, Godwin undertook archaeological investigations in Walcha (approximately 60 km south of Armidale) which showed that Aboriginal people/s were visiting the New England Tablelands region not for ceremonial reasons only (as was previously believed as only ceremonial site types had been identified across the region) but that they also occupied the lands on a more permanent basis, as seen through artefact scatters and open campsites (Remnant Archaeology, 2018: 14).

Between 1998 and 2003, Navin Officer Heritage Consultations participated in a number of Aboriginal heritage assessments for the proposed regional water storage reservoir at Shannon Creek, located west of Armidale. A distribution pattern was identified during archaeological surveys undertaken along the creek which identified sites not only along the creek but also in the surrounding hills and scarps. Site types included isolated finds, open sites (artefact scatters), scarred trees and Potential Archaeological Deposits (PAD) (OzArk, 2023: 29).

In 2016, Everick Heritage Consultants Pty Ltd (Everick) prepared an Aboriginal Cultural Heritage Assessment for the proposed rezoning of the Armidale East Airport, located approximately 14 km west of the site. an AHIMS search of the study area was conducted with a 1 km buffer which identified one (1) previously recorded Aboriginal site, characterised as a grinding groove and stone quarry. A pedestrian survey of the study area was undertaken which identified one modified tree (scarred tree/shield tree). The study area was also associated with intangible heritage aspects. The site is referred to as a cultural gateway area, where

Aboriginal people/s would wait to be granted permission to travel north into the Anaiwan country (Hill, Fowler and Robins, 2016: 38).

In 2016, Remnant Archaeology undertook a site survey of land surrounding the Guyra-Ebor Road, a section of Rockvale Road and the Wollomombi Falls Road in Armidale. No artefacts were identified across the site, however, one culturally scarred tree was located within the road corridor of Rockvale Road. Later this year they also undertook another survey across Grafton Road (Waterfall Way). Three (3) low density artefact concentrations including 37 artefacts with their raw materials including silcrete, mudstone, quartz, basalt and chert. Two scarred trees and a small stone arrangement were also identified (Remnant Archaeology, 2018:15).

In 2018, Apex Archaeology prepared an Aboriginal Archaeological Assessment for proposed upgrades to the Armidale High School (the addition of the Armidale Secondary College) located approximately 11 km west of the site. An AHIMS search provided no results for the site with a 1 km buffer, which was anticipated due to the limited archaeological assessments having taken place in the Armidale CBD. The development area was described as heavily disturbed through the construction of the existing school and was assessed as having no archaeological potential. A site survey did not identify any Aboriginal objects, and the proposed works were recommended to proceed.

In 2018, EMM prepared an Aboriginal cultural heritage assessment for the proposed New England Solar Farm located approximately 19 km south of Armidale. A review of the AHIMS database identified that no Aboriginal sites had been recorded within the proposed development area, however 36 sites were recorded as being located within 25 km. EMM predicted that the site had a high potential for Aboriginal sites including stone tools, scarred trees, quarries as well as grinding grooves. A survey of the area was undertaken over a period of 19 days which identified 95 Aboriginal sites including 16 artefact scatters, 9 artefact scatters with PAD, 1 grinding groove, 4 grinding grooves with an artefact scatter and PAD, 1 grinding groove with a PAD, 43 isolated finds, 3 isolated finds with PAD, 5 quarry sites with artefact scatters and PAD and 13 scarred trees. The combined grinding groove, artefact scatter and PAD site identified during the inspection was deemed of particular significance due to its rarity and complexity. 37 of the sites identified during the survey were designated for impact by the proposed solar farm/ an Aboriginal heritage management plan (AHMP) was developed to manage the impacts to identified Aboriginal sites (EMM, 2018: 45).

In 2019, Remnant Archaeology prepared an Aboriginal heritage assessment for the proposed development of the Wright Block at the University of England campus in Armidale, situated approximately 13 km northwest of the site. A review of the AHIMS database identified four (4) previously recorded Aboriginal sites were located within 2 km. A site survey was conducted which identified one (1) additional Aboriginal site, characterised as dark quartz core (which had been struck more than once along three different platforms with lawn mower damage present) isolated find. This artefact was found outside of the development impact area, within proximity to Dumaresq Creek.

In 2020, NGH conducted an Aboriginal cultural heritage assessment for the proposed Tilbuster Solar Farm, located approximately 15 km northeast of the site. A survey of the area identified 86 Aboriginal sites in total, including 49 isolated finds, 28 artefact scatters, 3 cultural trees as well as 6 scarred trees. Due to drought and sheep grazing across the assessment area, there was a high level of ground visibility with little to no vegetation observed. Due to the heavily disturbed landform, it was assessed that the likelihood of subsurface objects existing was low, however, subsurface testing was conducted. 16 test pits were excavated and dry sieved where an additional artefact assemblage was identified. This assessment concluded that this area was possibly repeatedly occupied on multiple occasions by small to medium sized Aboriginal groups as they travelled across the region (NGH, 2020: 89).

In 2021, NGH prepared an Aboriginal cultural heritage assessment for the proposed Oxley Solar Farm, located approximately 2 km southeast of the development site. A preliminary AHIMS search of the site including a buffer between 4 and 10 km on each boundary was undertaken which identified 114 previously recorded Aboriginal sites. 74 of these sites were located within the Oxley region including 71 artefacts (both isolated finds and artefact scatters), 2 modified trees and 1 restricted site. A pedestrian survey was undertaken across the site which identified an additional 24 isolated finds, 18 artefact scatters and 1 scarred tree. An additional 7 cultural trees were also recorded and were attested specific cultural values by onsite RAPs. RAPs also informed NGH archaeologists that the confluence of Commissioners Waters and the Gara River and the Gara River with the Blue Water Hole are significant cultural sites (NGH, 2021: 44). It was recommended that the subsurface testing of 13 PADs be undertaken prior to approval being granted for the development. Subsurface testing was undertaken in July 2022, and artefacts were identified in 6 of the PADs tested as well as an additional surface survey. This assessment identified an additional 33 isolated finds, 20 artefacts scatters, 7 cultural trees and 2 scarred trees, 1 surveyor tree as well as contemporary sites including 1 unfired clay and grass bowl and six (6) contemporary scarred trees (NGH, 2022: ix).

In 2023, OzArk Environment and Heritage (OzArk) prepared an Aboriginal and historic cultural heritage assessment for a proposed BESS to be located approximately 4.5 km west of the site. An AHIMS search identified 72 previously recorded Aboriginal sites located within the broader context of the BESS development footprint, the majority of which were characterised as artefact site types (totalling 75% of sites). A high frequency of these sites are located within woodland areas and in proximity to watercourses. An archaeological survey was undertaken across the site which did not identify any Aboriginal sites across the landscape. This result was anticipated due to the small size of the development footprint and its distance to a permanent water source (OzArk, 2023: 37).

6. ABORIGINAL HERITAGE INFORMATION MANAGEMENT SYSTEM

The locations and details of Aboriginal sites are considered culturally sensitive information. It is recommended that this information, including the AHIMS data, is removed from this report if it is to enter the public domain.

Heritage NSW (formerly OEH) maintains the Aboriginal Heritage Information Management System (AHIMS) database, a register of Aboriginal archaeological sites that have been recorded in New South Wales. An AHIMS search provides an archaeological context for the area and identifies whether any previously recorded Aboriginal sites are located within or near the development site.

A review of the AHIMS database was conducted on 15 February 2024 and confirmed more recently on 3 November 2025 which included two (2) basic and extensive searches of land located both to the north of the site and to the south. The parameters of each search are identified below in **Table 3**.

Table 3 – Extensive AHIMS search results

Extensive Search	Datum	Coordinates Latitude – Longitude	Number of sites
			
			

Three (3) of these Aboriginal sites are located on land along Grafton Road, which appeared in the parameters of both searches. Therefore, three (3) of the Aboriginal sites are identified are repeated in both searches. Overall, there are 39 previously recorded Aboriginal sites located within the broader landscape of the site. The distribution of recorded sites within the AHIMS search area is shown in **Figure 5**.

Heritage NSW-lists 20 standard site features that can be used to describe an Aboriginal site registered with AHIMS, and more than one feature can be used for each site. The Aboriginal site types recorded as being located within the broader context of the development site are identified in **Table 4**.

Table 4 – Previously Recorded Aboriginal Sites: Regional Context

Artefact Type	Occurrences	Percentage
		
		
		
		

Figure 5 – Aboriginal Sites in the Locality



7. PREDICTIVE MODEL

Aboriginal site features occur across the entire landscape; however, some parts of the landscape have a greater capacity to contain certain site features or features of different types. The variation in site feature likelihood across the landscape is useful for planning assessments of potential site impacts.

The Aboriginal Sites Decision Support Tool (ASDST) is an online tool accessible through the SEED online portal, which is an extension of the AHIMS database and details the potential distribution of Aboriginal site type features which are recorded on AHIMS. A review of ASDST Pre-1750 Models v7.5 (2020) has been undertaken for the site. The likelihood of each site type being present within the development footprint prior to the arrival of European settlers, is determined on a scale ranging from 'low' (0) and 'high' (999). The results of this search are as follows:

- > 'All combined features' likelihood of prevalence: 424/999.
- > 'Artefact' likelihood of prevalence: 304/999.
- > 'Burial sites' likelihood of prevalence: 267/999.
- > 'Grinding grooves' likelihood of prevalence: 259/999.
- > 'Hearths' likelihood of prevalence: 5/999.
- > 'Stone quarries' likelihood of prevalence: 189/999.
- > 'Scarred trees' likelihood of prevalence: 424/999.

Overall, according to the ASDST modelling, there is a 42% likelihood of Aboriginal sites being located within the development footprint prior to the European colonisation of the region. Similarly, there is a 42% likelihood that these sites would have been culturally modified or scarred trees and 30% likelihood of there being artefacts across the landscape. The clearing of the land by European settlers has evidently reduced the likelihood of scarred trees being located in the development footprint with an overall likelihood of Aboriginal sites existing in the locality having reduced to 24% due to agricultural and ground disturbance activities which have occurred post 1750.

The likelihood of scarred trees existing across the development footprint is now approximately 0.1%, likely due to the extensive tree clearing which has occurred across the region. ASDST modelling suggests that the most likely site type to be identified in the development footprint at the time of this assessment are artefacts (25% likelihood).

It is important to note however, that this model is a predictive tool only, and is based off surrounding land formations and recorded Aboriginal site type patterns. Existing Aboriginal objects within the development footprint (if identified) may differ from these predictions. Physical landform attributes were assessed during the archaeological survey using the predictive modelling as a guide.

7.1 Previously Recorded Sites

Previously identified Aboriginal sites recorded on the AHIMS database are detailed in **Section 6**. Further information on Aboriginal sites in the region is provided through a summary of past archaeological assessments (see **Section 5.2**). Both sources of information indicate that artefacts are the most common site type in the wider context of the development site, followed by culturally scarred trees making up 41% of Aboriginal site types. Similarly, Aboriginal sites are typically situated within proximity to waterways.

Previous artefact types identified in the surrounding landscape are comprised of isolated finds as well as artefact scatters. One (1) contemporary Aboriginal site is also located to the southeast of the BESS site which is characterised as an unfired clay and grass bowl (recorded as an Aboriginal Resource and Gathering site). As shown in **Figure 5**, artefact site types are typically situated within proximity to watercourses and in woodland, sheltered areas.

Culturally modified trees and scarred trees have been previously recorded in the wider context of the site and are typically situated within proximity to watercourses [REDACTED]. A number of contemporary scarred trees have also been identified to the southeast of the site.

No other Aboriginal site types have been identified within the wider context of the site, however, it is likely that they do exist. Hearths, grinding stones or middens in particular, are likely to exist along the banks of the Gara River or nearby creeks.

7.2 Landform Modelling

A number of predictive models have been prepared for the New England Tablelands region which have all been highly contested and evolving over time. This has generally been caused by the lack of intensive surveys across the region. Appleton in 1990 suggests that the investigations undertaken by Goodwin in 1983 were the first intensive surveys and data collected to date and allows for an accurate predictive model to be derived from. Overall, these investigations identified that most dense artefact scatters were located in woodland ridges (or formerly woodland areas), adjacent to and within close proximity to watercourses. Artefacts from either the woodland or watercourse setting had different characteristics, both in density of artefacts and in the characteristics of the stone tools themselves (NGH, 2021: 27).

Artefact scatters have typically been identified along the banks of watercourses across the Armidale region. The development site does not contain any major watercourses, however, does include a number of drainage channels, tributaries of Burying Ground Creek in the west. Moreover, this creek is located within 1 km of the site marking it as a potential landscape for low density artefact scatters.

Topographic aerial imagery has identified that the site is undulating, rising moderately towards the northern extent. The landscape falls towards Burying Ground Creek further west before rising again into undulating plains and down to the Gara River further east. Aboriginal sites are more likely to be situated on woodland ridges or rises, or on the banks of watercourses rather than amongst a flat landscape. However, there is a likelihood of the trees scattered across this landscape to contain cultural modification.

7.3 Predictive Modelling for the Site

Limited site modelling for the Armidale region suggests that although Aboriginal sites may be recorded in all landscapes, the archaeological sensitive areas are most likely to occur in close proximity to water, with the availability of raw material resources. However, Aboriginal people in all regions moved throughout the landscape and utilised different resources.

A predictive model has been developed for the site based on previous archaeological assessments and the location and site type of previously recorded objects. Overall, a higher density of Aboriginal sites has been identified in woodland areas along the Gara River to the east of the site. A second area of high density has been observed to the northwest of the site in the Yina Nature Reserve, which is also characterised as a dense woodland area adjacent to Burying Ground Creek.

7.3.1 ISOLATED FINDS

Isolated finds are present across the entire landscape and may be indicative of loss or deliberate discard of a single artefact or be the result of limited stone knapping activity. The presence of isolated artefacts may also indicate the likelihood of more extensive, in situ buried archaeological deposits, or a larger deposit obscured by low ground visibility.

Isolated artefacts have been identified within proximity to creeks and drainage channels meandering off the Gara River and Commissioners Waters rather than on the banks of the major waterways themselves. One (1) previously recorded isolated find has been identified within 1 km of the site (to the southwest) which suggests the likelihood of other isolated finds existing within the area.

Overall, isolated finds can occur anywhere, particularly within disturbed contexts, and therefore it is predicted that this site type could be recorded within the site.

7.3.2 OPEN ARTEFACT SCATTERS

Open artefact scatters are defined as two or more artefacts, not located within a rock shelter, and located no more than 50 m away from any other constituent artefact. This Aboriginal site type may occur almost anywhere that Aboriginal people have travelled and may be associated with hunting and gathering activities, short- or long-term camps, and the manufacture and maintenance of stone tools. Artefact scatters typically consist of surface scatters or subsurface distributions of flaked stone discarded during the manufacture of tools but may also include other artefactual rock types such as hearth and anvil stones.

There is potential for artefact scatters to be found in all environmental contexts and landforms, although larger and denser sites are predominantly located on the riverbanks and lower slopes facing watercourses, and on elevated ridgelines. This Aboriginal site type usually appears as surface scatters of stone artefacts in areas where vegetation is limited, and ground surface visibility increases. Such scatters of artefacts are also often exposed by erosion, through stock or animal movement, by agricultural events such as ploughing, and the creation of informal, unsealed vehicle access tracks and walking paths.

Artefact scatters are most likely to occur on level or low gradient contexts, along the crests of ridgelines and spurs, and elevated areas fringing watercourses or wetlands. Larger Aboriginal sites may be expected in association with permanent water sources.

Topographies which afford effective routes across the landscape to available resources such as the open valley slopes and the valleys of creeks, will tend to contain more and larger Aboriginal sites, mostly camp sites evidenced by open artefact scatters.

These Aboriginal site types are located within proximity to a watercourse, with low levels of ground disturbance. Due to the moderate levels of ground disturbance across the site from agricultural activities, it is unlikely that a high-density artefact scatter will be identified. A low-density scatter and isolated finds are more likely to occur on site, particularly with its proximity to watercourses Burying Ground Creek and the nearby Gara River.

7.3.3 ABORIGINAL SCARRED/CARVED TREES

Aboriginal scarred trees/carved trees contain evidence of the removal of bark (and sometimes wood) in the past by Aboriginal people, which formed a scar. Bark was removed from trees for various resource use. It was used as a raw material for manufacture of tools, weapons and vessels and used for building materials for shelters or for transport such as canoes.

Vegetation across the central extent of the site appears to have been relatively cleared and contains scattered (possibly mature) trees. However, woodland areas are located in the northern, western and southern extents. The woodland area situated along Waterfall Way may contain signs of cultural scarring. ■

■ Cultural trees have been identified at the confluence of major watercourses to the southeast of the site and along the Gara River in woodland areas adjacent to Gara River (although some of these trees contain contemporary scars).

Overall, there is a likelihood of Aboriginal scarred/carved trees existing within the development footprint, and amongst its surrounding landscape which lies closer to the Gara River.

7.3.4 QUARRY SITES

Quarry sites and stone procurement sites typically consist of exposures of stone material where evidence for human collection, extraction and/or preliminary processing has survived. Typically, these involve the extraction of siliceous or fine grained igneous and meta-sedimentary rock types for the manufacture of artefacts. The presence of quarry/extraction sites is dependent on the availability of suitable rock formations.

Quarry sites are not likely to be recorded within the site as rock outcroppings are not present on site.

7.3.5 BURIAL MOUNDS

Burials are generally found in soft, sandy contexts with sediments such as aeolian sand and alluvial silts and are typically close to rivers and creeks. Burials are generally only visible where there has been some disturbance of subsurface sediments or where some erosional process has exposed them.

Although, there are known burial sites to the south of the site, the likelihood of burial mounds to occur is low and are unlikely to occur, given the historical land use of the site.

7.3.6 BORA GROUND/CEREMONIAL SITE

Bora Grounds and/or ceremonial sites are places which have ceremonial or spiritual connections. Ceremonial sites may comprise of natural landscapes or have archaeological material. Bora sites are ceremonial sites which consist of a cleared area and earthen rings. Bora grounds were often located, some distance from frequented campsites in a discreet location. Ceremonial sites and a bora ground are known to exist in the Black Mountain (Mount Boral) located approximately 30 km north of Armidale.

This Aboriginal site type does not necessarily follow landform predictability and are, overall, a rare site type with a low likelihood of being present and remaining extant due to the historical land use of the site.

7.3.7 GRINDING GROOVES

Grinding grooves are the physical evidence of Aboriginal tool making or food processing activities. Grinding grooves are represented as an imprint in the flat surface of soft rocks such as sandstone as a result of the manual rubbing of stones against each other to create grooves. The suitable rock types are usually found in areas of creek beds and other water sources. Grinding grooves and carvings are most likely to occur in areas along the Gara River or Commissioners Waters in association with sandstone or a granite formation.

Due to the lack of sandstone or granite formations within the site, it is unlikely that this site type will be identified.

7.3.8 STONE ARRANGEMENTS

Stone arrangements and cairns are thought to be ceremonial in nature. Their locations are usually isolated from known campsite areas and are often a considerable distance from water. Stone arrangements have been identified within the wider context of Armidale, on a gentle slope landscape to the south and in the Black Mountains to the north.

There is a low likelihood of stone arrangements or cairns to be located within the site, due to the relatively flat landform and historical ground disturbance across the site.

7.3.9 SUMMARY

In summary, predictive modelling of the surrounding landforms suggests that archaeological sensitive areas mainly occur within proximity to water, particularly the Gara River, or in woodland areas on ridges.

However, the transient Aboriginal use of the landscape and utilisation of available resources and raw materials from across all landscapes suggests that Aboriginal sites may exist outside of these areas of sensitivity.

There is some potential for archaeological evidence to be identified within the development site, most likely in the form of isolated finds or culturally modified trees in intact landforms.

8. ARCHAEOLOGICAL SURVEY

An archaeological survey for the site was undertaken on 6th August 2024. The survey was undertaken by Premise Archaeologist Latisha Ryall who was accompanied by a RAP representative and ACEnergy Pty Ltd representative (Baris Aslan). The survey was undertaken through pedestrian transects, traversing the area of proposed impacts and areas of sensitivity using a handheld GPS to record tracks.

The archaeological survey was undertaken across portions of Lot 7009 DP1060213, Lot 7003 DP1060212, Lot 1 DP246878, Lot 1 DP573787, Lot 1 DP24687, Lots 144-145, Lot 153 DP755826 and a portion of one unconstructed road reserve bisecting Lots 144 and 145 DP755826 located in the survey area.

The survey was undertaken in a general south to north orientation, commencing along the proposed access road upgrade along Waterfall Way and inspection of the previously recorded AHIMS site, working north to the BESS development footprint, the proposed connection route and terminating on the eastern boundary associated with the proposed vegetation screening area to the east (now removed).

At the time of survey, the site was actively used for cattle and sheep grazing, with notable waterlogged areas observed near drainage lines and low points from overnight wet weather events.

8.1 Survey Methodology

As defined in **Section 3.3** a survey methodology was prepared for the Gara BESS project and issued to RAPS on 27 June 2024.

The survey methodology was prepared considering the following requirements:

- > Survey an adequate sample area that will be impacted by the proposed BESS development;
- > Consult with the local Aboriginal community on cultural values associated with the development and the likelihood of archaeological significance and potential;
- > Assess the Aboriginal archaeological values of the development footprint in accordance with the Code of Practice;
- > Identify Aboriginal archaeological and cultural heritage values that may be impacted by the proposed works; and
- > Identify any further investigations and identify any constraints and management for the proposed development footprint area, should the project proceed.

A photographic record was kept of the landform elements, disturbance of the site and ground conditions.

8.2 Survey Aims and Objectives

The main objective of the archaeological survey was to:

- > Assess the Aboriginal archaeological values of the development footprint in accordance with the Code of Practice;
- > Undertake the survey in accordance with the survey methodology prepared for the project as communicated with the RAPs and Heritage NSW;
- > Identify Aboriginal archaeological and cultural heritage values that may be impacted by the proposed works; and
- > Identify any further investigations, and mitigation and management measures that may be required, should the project proceed.

As set out in the Code of Practice, the aim of any survey is to adequately assess all representative landforms within the development footprint so as to identify and understand archaeological characteristics. The survey, therefore, provides information on the likelihood of archaeological potential within the development footprint. This information is then assessed and is used to develop management strategies for Aboriginal heritage.

A heavy rainfall event had occurred within the 24-hour period prior to conducting the archaeological survey, which impacted on ground conditions and some areas mostly around low points and areas close to drainage lines were notably waterlogged which constrained surface visibility. Slight modifications to transects were also made in discussions with survey participants to maximise survey coverage and target areas with increased visibility. Surveyors were spaced at a maximum of 15 m apart across the transect survey areas. Informal survey occurred in the areas outside of the development footprint where landform sensitivities increased, such as around drainage line exposures, erosion areas and other moderate visibility locations where they were encountered.

Overall, the development footprint showed limited surface exposure across the landscape with nil sensitivity, or areas likely to contain subsurface archaeological deposits observed. A buffer area was applied to the development footprint area to ensure adequate survey coverage had occurred and with consideration to any design changes that may occur post inspection as instructed by the client representative.

The archaeological survey results and landform context are discussed in **Sections 4** and **8.5**.

The archaeological survey area, showing survey tracks is shown in **Figure 27**.

8.3 Survey Units

The site has been utilised for agricultural purposes and is located within land which has been subject to moderate levels of ground disturbance. Several areas outside of proposed development footprint, did however, contain some intact landforms associated with remnant woodland.

Disturbance across the development footprint includes historical grazing of sheep and cattle and the clearing of natural vegetation, prior to the 1950s. Further disturbance across the landscape has occurred through the development of farming infrastructure and essential services (water, gas and telecommunications), the construction of Waterfall Way and associated road and drainage embankment.

The construction of permanent transmission lines and towers across the northern portion of the site has also altered the landscape.

Five survey units (SU) were identified during the archaeological survey and consist of:

- > SU1 – Low undulating plains (lower slopes);
- > SU2 – Moderate slopes;
- > SU3 – Drainage lines associated with ephemeral creeks;
- > SU4 – Lower flats; and
- > SU5 – Remnant woodland.

Survey Units are discussed in the following sections and shown in **Figure 6**.

Figure 6 – Survey Units



8.3.1 SURVEY UNIT 1 – LOW UNDULATING PLAINS (LOWER SLOPES)

Survey Unit 1 (SU1) consists of relatively low undulating plains and lower slopes located across much of the development footprint.

This landform consists of cleared grazing land with low gradient slopes, with small, isolated patches of rocky outcrop. Within SU1 moderate ground coverage was observed with low exposure areas mostly found along vehicle and stock access tracks, resulting in an overall low visibility. Areas of exposure with higher levels of visibility were also found along fence lines.

In total approximately 13.9 ha of this landform type was surveyed with 12.01% effective survey coverage.

Figure 7 – Lower slopes view southeast host lot



Figure 8 – Proposed BESS area view north



Figure 9 – Lower slopes view south



Figure 10 – Lower slopes view west



8.3.2 SURVEY UNIT 2 – MODERATE SLOPES

Survey Unit 2 (SU2) consists of Moderate slopes located in the northern portion of the development footprint.

This landform transitions from the lower slopes north of the extant dam and drainage line, rising to a moderate crest and then descending to the extant transmission tower infrastructure. This landform was partially cleared with some scattered trees and rocky outcrops, used for stock grazing. Within SU2 moderate to dense ground coverage was observed with nil-low ground surface exposure. Areas of exposure occurred along vehicle and stock access tracks with an overall low visibility. Areas of exposure and higher visibility areas were also found along fence lines.

In total approximately 12.39 ha of this landform type was surveyed with 1.21% effective survey coverage.

Figure 11 – Moderate slopes view south along connection route



Figure 12 – Moderate slopes view north east along connection route



Figure 13 – Crest landform view west



Figure 14 – Moderate slope view south east



8.3.3 SURVEY UNIT 3 – DRAINAGE LINES

Survey Unit 3 (SU3) consists of the smaller drainage lines located within the central portion of the development footprint being tributaries of Burying Ground Creek. These drainage lines are considered ephemeral and were subject to recent heavy rainfall events <24 hours, however the water level was minimal to non-existent. Drainage lines in this survey unit were characterised by waterlogged and marshy conditions closer to the southern boundary, whilst eroded alluvial areas were observed closer to the extant dam located in the northern portion of Lot 1 DP 246878. This area was not considered archaeologically sensitive, or likely to retain archaeological deposits due to the ephemeral conditions. Overall ground exposure visibility in SU3 was moderate.

In total approximately 1.36 ha of this landform type was surveyed with 38.9% effective survey coverage.

Figure 15 – Drainage line view east



Figure 16 – Extant farm dam, connection route area



Figure 17 – Banks of extant dam view east



Figure 18 – Alluvial deposits associated with drainage



8.3.4 SURVEY UNIT 4 – FLATS

Survey Unit 4 (SU4) consists of a relatively flat landform, transitioning from the lower slopes located in the south east of the development footprint towards the eastern boundary and south along the access point of Waterfall Way. Flat landforms were also observed in the areas of the extant transmission line infrastructure located in the northern portion of the development footprint. Overall visibility in SU4 was low to moderate, with some ground exposure.

Flats generally consisted low to moderate ground coverage with overall moderate visibility. Areas with higher exposure were located in the west associated with the boundary fence lines at the base of mature trees mostly through stock movement. Higher exposures were also observed along the unformed access road into the property dwelling or around the base of transmission towers. Remnant woodland areas were observed at the access point entry into the site.

In total approximately 0.56 ha of this landform type was surveyed with 23.21% effective survey coverage.

Figure 19 – Gravel access track into proposed BESS



Figure 20 – Flat landforms view north east



Figure 21 – Existing transmission tower infrastructure



Figure 22 – Existing access track



8.3.5 SURVEY UNIT 5 – REMNANT AND SCATTERED WOODLAND

Survey Unit 5 (SU5) consists of remnant and scattered woodland areas located in the southern portion of the development footprint along the main road corridor (Waterfall Way), entry into the property and on the lower slopes in the northern portion of the development footprint. Scattered woodland areas were also observed on the western portion of the site. Dense ground coverage and overall poor visibility was observed in SU5 areas, especially with vegetation aligning Waterfall Way and the woodland areas to the north. Disturbance was observed along the road easement with introduced fills for embankment creation and drainage construction.

In total approximately 4.76 ha of this landform type was surveyed with 0.42% effective survey coverage.

Figure 23 – remnant woodland along Waterfall Way



Figure 24 – Waterfall Way view west



Figure 25 – Remnant woodland located east of connection route



Figure 26 – Remnant woodland on western boundary



8.4 Survey Results

The archaeological survey was undertaken in accordance with the survey methodology, via pedestrian transects traversing the area of the proposed Gara BESS development, and associated road upgrade works. Recent wet weather events had affected the ground surface conditions and waterlogged areas were observed across the development footprint. This had the effect of promoting areas of dense vegetation, observed along the moderate slopes which constrained surface visibility. Survey transects were modified slightly to maximise visibility and access areas of higher sensitivity.

During the survey, consideration of previous archaeological investigations undertaken in the area were applied to the landform assessment, where topography is important in determining the location of Aboriginal sites. In particular, this data shows the potential for concentration of sites with higher artefact density towards the south of the site and/or associated with larger watercourses.

No archaeological sensitive areas were identified during the survey, and no new Aboriginal sites/objects were recorded. No specific cultural information was provided during the site survey in relation to the development footprint or broader site and no concerns with the survey methodology was raised during the survey or subsequently.

An area stretching for approximately 150 m along the Waterfall Way road easement was surveyed to inspect remnant vegetation on both the northern and southern sides of the formed road (located within Lot 7009, DP 1060213). This area is subject to proposed vegetation clearance and road upgrades for access into the BESS development footprint.

The proposed BESS access road was surveyed, with a 10 m buffer applied to the existing driveway into the property. Areas surveyed included portions of Lots 7003 DP 1060212 and Lot 1 DP 246878.

The BESS development footprint was surveyed across portions of Lot 1 DP 573787 and Lot 1 DP 24687. The transmission connection route is also located across Lot 1 DP 24687, Lot 144, Lot 145 and Lot 153 DP 755826. Proposed vegetation screening will be located within the development footprint surrounding the BESS and has been removed from the eastern boundary of Lot 1 DP 246878 as originally proposed

[REDACTED]

Observation undertaken during the survey indicated that the proposed development footprint consisted of undulating plains, currently used for stock grazing with moderate slopes in the northern extent of the site transitioning to lower slopes and flats on the eastern and western boundary. The surrounding landscape consists of low undulating hills, with remnant vegetation on surrounding hilltops and rural properties. A farm dam is located in the central portion of the site and native trees and shrubs are located along Waterfall Way to the south.

Evidence of small rocky outcrops were located north of the BESS development footprint and on the moderate slopes along the connection route. Remnant woodland was observed on the southern and

western boundaries of the site, with scattered mature trees observed across the north western portion of the site. All mature trees within the development footprint were inspected for cultural modification, however, did not reveal cultural scarring with natural deterioration noted.

Moderate ground coverage was observed across the development footprint, resulting in poor surface visibility. Areas where surface exposure increased, included areas along vehicle tracks and at the base of mature trees and fence infrastructure, or tracks created through stock movement.

Soils in the development footprint ranged from silty yellow clay loams identified in exposed areas, around eroded drainage lines and access tracks transitioning to dark brown clays on small crests. This is consistent with the Middle Earth soil profile. However, the recent rainfall event altered ground conditions across the entirety of the site.

Overall, the development footprint had levels of ground disturbance through stock grazing, implementation of farming infrastructure and essential services and has been cleared of vegetation in the proposed BESS location. Exotic plantings were observed along the ephemeral drainage lines and scattered trees were observed on the moderate slopes in the north near the existing and proposed transmission connection routes and along the western portion of the development footprint.

The proposed access area has been heavily modified by the construction of Waterfall Way in the south, with the creation of drainage embankments consisting of introduced fills flanking the road reserve and the implementation of water, electrical and gas services. Dense ground coverage was observed in this area. however, along the existing access track, exposed gravels were noted, transitioning into an unsealed vehicle track formed over time indicating different levels of disturbance has occurred.

Remnant woodland located immediately north of Waterfall Way did not reveal any evidence of cultural modification to mature trees extant in this area, compared to the sensitivity recorded nearby and the presence of a previously recorded Aboriginal site on the adjacent property to the south.

The archaeological survey indicates that the development footprint has been modified through historical agricultural use (grazing), vegetation clearance and has been modified in the south through the construction of Waterfall Way, therefore indicating a low level of archaeological significance and the disturbance of intact landforms.

Figure 27 shows an aerial image with delineated survey tracks of one of the surveyors.

8.5 Landforms Likely to Preserve Archaeological Deposits

Survey areas were assessed for their archaeological sensitivity based on landform observations, previous archaeological research, topography, and prior land use. The development footprint presents low archaeological sensitivity, and targeted intensive survey was not required. However, an adequate survey area was inspected, and all impact areas were assessed. Five survey units (landforms) were identified in the development footprint.

Landforms likely to preserve archaeological deposits in both the development footprint and surrounds include landscapes that have not been subject to any ground disturbance, included patches of remnant

woodland in the north, west and south of the site, remnant woodland along Waterfall Way and areas with larger, permanent waterways such as Burying Ground Creek and Gara River.

There were no areas with identified archaeological potential located in the development footprint.

The survey focused on areas subject to where ground disturbance impacts are proposed and areas determined to have a higher level of sensitivity, with consideration of land use history. Previous archaeological assessments in the area were used to inform archaeological potential.

In accordance with the Code of Practice a summary of survey coverage is outlined in **Table 5**. Overall, the majority of the development footprint contained low to moderate levels of ground surface exposure (GSE) and ground surface visibility (GSV). The topography was characterised by undulating terrain, with moderate slopes in the north (Lots 144, 145 and 153 DP 755826), transitioning down to lower slopes and flats towards the south (Lot 1 DP 246678), east and western portions of the development footprint.

Several drainage lines exist across the central portion of the development footprint; all tributaries of Burying Ground Creek located to the east of the site.

Visibility increased sporadically in the cleared vegetation area of the BESS development footprint (SU1 and SU4), along vehicle access tracks (SU4) and in proximity to fence lines or existing farm infrastructure. Visibility also increased around exposures on the farm dam bank (SU3) and around the base of mature trees (SU4 and SU5).

Table 6 indicates that the lack of recordings made during the archaeological survey may be attributable to the low survey efficacy. However, archaeological investigations in the region indicate that the undulating plain landforms have a lower artefact density when compared to landforms closer to permanent water sources or areas with old growth trees that have not been subject to extensive clearing. Therefore, while low density artefact scatters or isolated finds may have been obscured during the survey, the available information suggests that larger sites are absent in the landforms that characterise most of the site.

Overall, there was low survey efficacy due to low visibility across the development footprint, and this may have contributed to the lack of recordings, indicating a low likelihood of artefacts and a more short-term transient use of the landscape. Landforms that are identified as more likely to contain Aboriginal sites include areas closer to permanent waterways, previously discussed such as the Gara River and Burying Ground Creek that are located more than 200 m from the site.

8.6 Survey Coverage

A summary of survey coverage, in accordance with the Code of Practice, is outlined in **Table 5** and **Table 6**.

Generally, the development footprint consists of varied landforms, transitioning from lower slopes in the south to moderate slopes in the north. During the survey moderate ground coverage was observed with overall low visibility across the development footprint. Areas of exposure were present on eroded creek and dam banks, or along vehicle tracks and fence lines.

In summary, there was a low survey efficacy during all survey investigations due to low visibility across the development site. The regional model of past Aboriginal settlement indicates that elevated landforms

adjacent to larger drainage lines were an optimal occupation areas. These landforms are absent in the development footprint.

Survey coverage assessed for the development footprint indicates that the absence of recordings made during the survey may be attributable to the low survey efficacy. However, while the low ground surface visibility certainly may have contributed to the lack of recordings, archaeological investigations in the region, indicates that scarred trees and low density artefact scatters would be the most common Aboriginal site types to be recorded prior to vegetation clearance and in areas closer to larger water sources.

However, the development footprint has been cleared of most vegetation, and remaining woodland areas and scattered trees did not reveal cultural modifications, and the drainage lines located within the development footprint are not sensitive landforms. Therefore, while low density artefact scatters or isolated finds may have been obscured, the available information suggests that larger Aboriginal sites representing higher density artefactual deposits are absent in the landforms that characterise most of the site.

Table 5 – Survey Coverage

Survey Unit	Landform	SU area (ha)	Visibility %	Exposure %	Effective coverage area (ha)	Effective coverage %
1	Undulating Plain	13.9	60%	20%	1.67	12.01%
2	Moderate Slope	12.39	25%	5%	0.15	1.21%
3	Drainage	1.36	60%	65%	0.53	38.97%
4	Flat	0.56	75%	30%	0.13	23.21%
5	Remnant woodland	4.76	10%	5%	0.02	0.42%

Table 6 – Landform Summary

Landform Unit	Landform area (ha)	Area effectively surveyed	% of landform effectively surveyed	Number of sites	Number of artefact features
Undulating Plain	13.9	1.67	12.01%	0	0
Moderate Slope	12.39	0.15	1.21%	0	0
Drainage	1.36	0.53	38.97%	0	0
Flat	0.56	0.13	23.21%	0	0
Remnant woodland	4.77	0.02	0.42%	0	0

Figure 27 – Archaeological Survey Tracks



9. DISCUSSION

No previously recorded AHIMS sites are located in the site, and no new Aboriginal sites were identified or recorded during the archaeological survey. The proposed BESS is, therefore, not likely to impact upon items of Aboriginal cultural heritage. No sensitive landforms are located within the development footprint.



Areas considered to retain higher levels of sensitivity include woodland areas located in the north eastern portion of the development footprint in proximity to the existing transmission towers, on the western boundary and along the road corridor of Waterfall Way. Drainage and marsh areas located through the central portion of the site are also assigned a low level of sensitivity.

9.1 Ground Disturbance

A review of historical records and observations made during the archaeological survey has identified that the majority of the site has been subject to historical agricultural activities and moderate levels of ground disturbance associated with vegetation removal, and the inclusion of services such as gas, telecommunications and water in the south, the creation of farm dams in the central portion of the site and the implementation of electricity transmission towers in the north.

Ground disturbance has also occurred through erection of farm infrastructure across the site, including sheds, fences and gates for stock grazing.

Further disturbance has occurred in the development footprint through vehicle movements along access tracks used throughout the property resulting in higher exposure areas and disturbance through the creation of the surrounding road corridors.

Ground disturbance and impacts to Aboriginal archaeology in the development footprint is discussed in **Section 12**.

9.2 Analysis of Archaeological Potential

Archaeological potential of an area is determined by several factors including landform, location and the level of disturbance that has impacted the area. In areas where there is a high level of disturbance, the archaeological potential is lowered.

The archaeological potential of the development footprint is based on the landform elements and predictive modelling discussed in **Section 5** and **Section 7**, and also assessed through site investigations.

The site consists of a varied landscape, characterised by undulating hills, with low gradient small rises located further to the south and west of the development footprint transitioning to moderate slopes in the north and flatter areas near drainage lines in the east. On observation, landforms within the development footprint were not favoured for long-term occupation, with more favourable areas located near permanent waterways such as the Burying Ground Creek, Gara River and Commissioners Waters which are located at a considerable distance from the site.

In areas where there are higher levels of disturbance such as the road easement of Waterfall Way, it is unlikely that surface finds in these areas are in their original context due to introduced fills creating modified landscapes. It is also unlikely that sub-surface archaeological deposits are intact in this location due to the modified landscape.

Areas with less disturbance such as remnant woodland in the western portion of the development footprint and on the moderate slopes associated with the connection route, the archaeological potential increases for observing culturally modified trees. However, no cultural modifications were observed.

Predictive modelling of the site and a review of previous archaeological investigations undertaken in the region indicate that the most likely Aboriginal site types to be identified across the development footprint would be culturally modified trees and artefact scatters, however with the removal of vegetation across the development footprint, this likelihood is lowered significantly and is confirmed through the absence of Aboriginal sites located in the site and the absence of sensitive landforms suitable for occupation.

This assessment has concluded that the archaeological potential of the development footprint is considered low.

10. ABORIGINAL CULTURAL HERITAGE ASSESSMENT

10.1 Methodology

The Aboriginal cultural heritage assessment in this report includes information collected through archaeological survey, desktop assessment and consultation conducted throughout the ACHAR. Latisha Ryall (Archaeologist, Premise) and Tamera Rudd (Graduate Archaeologist, Premise) collected this information.

10.2 Cultural Landscape

The relationship between Aboriginal Australians and the land is conceived in spiritual terms rather than primarily in material terms (Andrews et al 2006). Aboriginal cultural knowledge has been defined as:

Accumulated knowledge which encompasses spiritual relationships, relationships with the natural environment and the sustainable use of natural resources, and relationships between people, which are reflected in language, narratives, social organisation, values, beliefs and cultural laws and custom (Andrews et al 2006).

Aboriginal cultural knowledge was traditionally passed on through oral traditions from generation to generation. Within all Aboriginal communities there was a time of dislocation and upheaval associated with the arrival of colonial settlers. This widespread disruption resulted in much of the detailed knowledge and understanding of many of the elements of the cultural landscape being lost from the Aboriginal community, nonetheless many Aboriginal people maintain a strong connection to the land of their ancestors and collectively possess a wealth of knowledge passed down through the generations.

A number of significant cultural landscapes are present within the New England Tablelands region. The North Hill Aboriginal Place for example, is situated approximately 10 km east of the site and emphasises the significance of Aboriginal people/s spiritual relationship with landscapes.

North Hill is a registered Aboriginal Place under the NPW Act (gazetted in 2022) which contains strong social and cultural associations for the local Aboriginal people/s. North Hill is a significant living place (campsite) where Aboriginal people/s have utilised the area since before the arrival of the European fleet to Australia, up until the 1950s. This Aboriginal site contained an abundance of natural resources, including a natural spring and the former swamps of the Dumaresq Creek lands. This was also an important meeting place for the Anaiwan people/s with songlines extending to and from this place. North Hill is also a significant ceremonial location for the Dunghatti people, and Aboriginal communities in the wider region. The landscape has evolved over time, from a traditional Aboriginal campsite to a historic Aboriginal camp following European settlement (SHI, 2022).

North hill was also considered to be one of the sites used by Gumbaynggirr (Gumbaingarr) elder from Oban known as 'King Bobby'.

Other significant Aboriginal landscapes include the Black Mountains as outlined in **Section 5**.

11. IDENTIFIED ABORIGINAL CULTURAL HERITAGE VALUES

11.1 Identified Social Values

The Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011: 8–9) notes that cultural significance is comprised of an assessment of social values, scientific values, aesthetic values, and historic values. Essentially, assessing the cultural significance of a place means defining the reasons why a place is culturally important. These values are described as:

Social or cultural value

Social or cultural value refers to the spiritual, traditional, historical or contemporary associations and attachments the place or area has for Aboriginal people. Social or cultural value is how people express their connection with a place and the meaning that place has for them.

Places of social or cultural value have associations with contemporary community identity. These places can have associations with tragic or warmly remembered experiences, periods or events.

Communities can experience a sense of loss should a place of social or cultural value be damaged or destroyed.

There is not always consensus about a place's social or cultural value. Because people experience places and events differently, expressions of social or cultural value do vary and, in some instances, will be in direct conflict (Johnston 1992). When identifying values, it is not necessary to agree with or acknowledge the validity of each other's values, but it is necessary to document the range of values identified.

Social or cultural value can only be identified through consultation with Aboriginal people. This could involve a range of methodologies, such as cultural mapping, oral histories, archival documentation and specific information provided by Aboriginal people specifically for the investigation.

Historic value

Historic value refers to the associations of a place with a historically important person, event, phase or activity in an Aboriginal community. Historic places do not always have physical evidence of their historical importance (such as structures, planted vegetation or landscape modifications). They may have 'shared' historic values with other (non-Aboriginal) communities. Places of post-contact Aboriginal history have generally been poorly recognised in investigations of Aboriginal heritage. Consequently, the Aboriginal involvement and contribution to important regional historical themes is often missing from accepted historical narratives. This means it is often necessary to collect oral histories along with archival or documentary research to gain a sufficient understanding of historic values.

Scientific (archaeological) value

This refers to the importance of a landscape, area, place or object because of its rarity, representativeness and the extent to which it may contribute to further understanding and information (Australian ICOMOS 1988).

Information about scientific values will be gathered through any archaeological investigation undertaken. Archaeological investigations must be carried out according to OEH's Code of practice for archaeological investigation of Aboriginal objects in NSW, available at www.environment.nsw.gov.au/licences/archinvestigations.htm.

Aesthetic value

This refers to the sensory, scenic, architectural and creative aspects of the place. It is often closely linked with the social values. It may consider form, scale, colour, texture and material of the fabric or landscape, and the smell and sounds associated with the place and its use (Australian ICOMOS 1988).

11.2 Social or Cultural Values Associated with the Development site

An invitation to provide social and/or cultural values for the Gara BESS was provided to RAPs through the community consultation process via the advertisements, registration of interest notification letters and via draft ACHAR and survey methodology. Opportunities to provide verbal social and/or cultural values for the Gara BESS were also encouraged during the archaeological survey.

No specific information was provided on the significance of the site.

The area of North Hill is an identified significant Aboriginal Place used as a campsite, ceremonial and songline route by Aboriginal peoples located east of the site and Black Mountain which also holds significance with the Aboriginal people/s.

[REDACTED]

It is important to note that the cultural landscape is central to Aboriginal identity, with respect to both traditional and contemporary society. The relationship between Aboriginal community and the landscape is expressed through stories, art, ceremonies, and other cultural forms, both physical and non-physical. These factors determine the significance of the area and cultural sites of the Nganyaywana within the Armidale LGA and New England region.

11.3 Identified Historic Values

Historic values specific to the site have not been identified. There have been no previous investigations which indicate that the site has an association with a known individual or historical event.

11.4 Identified Scientific Values

The scientific values of the site are discussed in **Section 4** and **Section 5**. Assessment of scientific value is also often based on the research potential of the area, which provides an understanding of the importance of landscape features and/or rarity of objects or places if identified.

The archaeological potential of an area is rated high, moderate or low, based on all of the above considerations. A definition of each ranking is provided below:

High - Intact archaeological material is likely to be found in this area.

Moderate – Intact archaeological material may be found in this area.

Low - It is unlikely that intact archaeological material will be found in this area.

During the archaeological survey, no sensitive landforms likely to contain subsurface archaeological deposits where conservation values are present were identified. Previously recorded Aboriginal sites and

landscape features located outside of the site however do add to the cumulative scientific values of the Armidale region where intact landforms are positioned.

Areas closer to larger water sources and associated woodlands would be more prevalent in retaining this sensitivity, located to the west, south and east of the site (Burying Ground Creek, Gara River, Gara Dam and the confluence of Commissioners Waters).

Several small drainage lines meander through the central and southern portion of the site, however these drainage lines are ephemeral and are not considered to have been used as a resource area, or areas of long term occupancy with alluvial soils that become swampy during wetter seasons and this was observed during the archaeological survey where a heavy rainfall event had recently occurred, altering the ground conditions.

Moderate slopes located in the northern portion of the site are also unlikely to be long term occupation areas, compared to the lower slope landforms associated with watercourses and on elevated ridgelines and spurs. The site does not consist of these landform types.

The results from the archaeological survey indicate that the development footprint has been assessed as having overall low archaeological potential, with nil Aboriginal sites identified. [REDACTED]

[REDACTED]

[REDACTED] Aboriginal site types such as these, therefore, may have existed in the development footprint and may have been cleared for pastoral activities as predicted in **Section 7.3**.

11.5 Identified Aesthetic Values

The aesthetic values of the site as it relates to cultural significance is not yet known and has not been determined through community consultation efforts. At the time this report was prepared no specific information on the aesthetic values of the site had been provided by the RAPs, however feedback on the review of this report was encouraged.

Identified aesthetic values observed during the archaeological survey considered landscape use and form, noting that the aesthetic values may also be closely linked with social values of the site. Aesthetic values of the broader area are most likely associated with the larger waterways of which are located outside of the development footprint.

Aesthetic values likely relate to the remnant woodland on the moderate slopes at the north of the development footprint and west of the site, as well as landforms in close proximity to the Gara River and larger watercourses where recorded Aboriginal sites are present and increase in those areas.

11.6 Social Values Investigation

No specific comment or feedback was provided through the consultation process on social values relevant to the site. Opportunity to provide feedback was undertaken both during the archaeological survey and through review of the ACHAR documentation (refer **Section 3.2.4**).

Social values are important for identifying tangible and intangible heritage associated with country and that Aboriginal social values exist across all landscapes.

It was noted that social values most likely occurred outside of the development footprint, particularly in areas south east of the site where large artefact assemblages and Aboriginal sites are located (refer **Figure 5**) and areas to the north associated with Black Mountain and Mt Duval.

Social values are also strongly associated with Aboriginal Places such as North Hill and on significant landscapes where ceremonial practices took place and are associated with descendants of the Aboriginal people/s of the region.

11.7 Significance Assessment

11.7.1 ABORIGINAL MATERIAL CULTURE

Aboriginal material culture has been discussed in **Section 5**, **Section 6** and **Section 8**.

No archaeological material was identified within the development footprint during the archaeological survey undertaken in August 2024.

11.7.2 SIGNIFICANCE ASSESSMENT

An assessment of the cultural heritage significance of an item or place is required, so as to inform its management. The NSW OEH *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (2011) provides guidelines for heritage assessment with reference to the *Burra Charter* (Australia ICOMOS, 2013) and the *Assessing Heritage Significance* guidelines (NSW Heritage Office, 2001). The assessment is made in relation to four values or criteria as outlined above.

As defined by the Burra Charter:

Cultural significance means aesthetic, historic, scientific, social or spiritual value for past, present or future generations.

Cultural significance is embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects.

It is also important to note that:

Changes which reduce cultural significance should be reversible and be reversed when circumstances permit.

The significance of the site in association with relevant heritage assessment criteria is provided in **Table 7**.

Table 7 – Cultural Heritage Assessment – Significance

Criteria	Significance
Research Potential	All archaeological sites have the potential to contribute to our understanding of Aboriginal occupation. However, the development footprint shows nil evidence of extant culturally modified trees, isolated finds, surface artefact scatters or potential sub surface archaeological deposits. Therefore, there are nil research values associated with the development footprint. The ability of the archaeological resources in the development footprint to significantly contribute to local or regional studies is considered negligible.
	Integrity: The development footprint has undergone some modification through historical grazing practices for agricultural use. The archaeological deposit has likely been impacted by stock movement and bioturbation, which would likely result in the downward movement of artefacts. Although some intact landforms remain, no sensitive landforms were observed during a physical analysis of the development footprint. No areas of potential subsurface deposits are likely to occur in this area. Therefore, the archaeology of the development footprint has been assigned as having minimal integrity.
	Complexity The regional archaeological context indicates that larger and more complex sites would have been located in landforms closer to permanent water sources with a greater abundance of resources such as the Gara River, Burying Ground Creek towards the east, west and south or those sites affording shelter such as the ridgelines to the north. The result of the current investigation indicates that groups of Aboriginal people were not using the development footprint locality for long- or short-term occupation areas, as evidenced by the fact that the development footprint displayed an absence of artefacts and therefore a low likelihood of artefact density.
Archaeological Potential	The development footprint has been assessed as a low sensitivity area. There is little likelihood for artefacts to be recorded in the development footprint, consistent with use of the landform by Aboriginal groups and transient movements in the region. The presence (if any) of artefactual material would be in low density numbers, characterised as a background scatter, isolated finds or culturally modified trees. None of these cultural modifications were identified during the archaeological survey within the development footprint parameters.
Connectedness	N/A

Criteria	Significance
Representativeness	No archaeological material has been identified in the development footprint; however, culturally modified trees have been recorded in the surrounding locality. This Aboriginal site type is indicative of the more common archaeological resources in the area and is consistent with other Aboriginal sites observed across the broader New England region, comprising of scarred trees. No Aboriginal sites/objects were recorded during the archaeological survey, and no areas of subsurface deposits were identified. Therefore, the representativeness of the development footprint in association with Aboriginal cultural heritage is considered negligible.
Rarity	N/A
Education Potential	N/A
Archaeological Landscapes	There are no definitive archaeologically sensitive landscapes located within the development footprint. It is noted that more significant cultural landscapes are identified outside of the site in areas that have less disturbance including intact woodlands and larger watercourses in the southeast or ridgeline areas to the north. It is noted that scarred trees and isolated finds are located in proximity to the site where intact landforms are present and less disturbance has occurred.
Aesthetic Value	Nil. No Aboriginal sites were identified in the development footprint, indicating the absence of aesthetic values within the meaning attributed in a heritage assessment.
Historic Value	The development footprint is not directly associated with a known important individual or identifiable historic event.
Social or Cultural Value	Local Aboriginal people value evidence of their ancestors' occupation of the land extremely highly. Any evidence of occupation activity is afforded high cultural value. More complex Aboriginal sites or rare artefact types tend to be highly regarded and have not been identified in the development site. This assessment has not identified any specific social or cultural values associated with the development footprint.

12. IMPACT ASSESSMENT AND HERITAGE MANAGEMENT

12.1 Aboriginal Heritage Impact

ACEnergy are proposing to develop an approximately 400 MW_{AC}, 1,760 MWh BESS, as well as on site energy storage containers, MVPS containers, and a switching station including control rooms within the development footprint. The project will have no impacts to Aboriginal cultural heritage.

12.1.1 IMPACT TO ABORIGINAL OBJECTS

The definition of harm to Aboriginal objects under the NPW Act is limited to impacts which:

'...destroys, defaces, damages an object or place or in relation to an object – moves the object from land on which it has been situated.'

No newly recorded Aboriginal sites/objects were identified during the archaeological survey.

[REDACTED]

Overall, this assessment has identified that there will be no impacts to known Aboriginal sites or places during the proposed works.

12.1.2 IMPACTS TO CULTURAL HERITAGE VALUES OF THE AREA

There will be no impact to the cultural heritage values of the broader area. The development footprint has been assessed as having nil to low archaeological sensitivity. No artefactual material was observed during the archaeological survey.

[REDACTED]

No specific cultural heritage values, including intangible cultural heritage values, have been identified with the development footprint.

It was noted during the consultation process that due to the extensive ground disturbance these types of projects make. If there is to be any impacts outside the approved development footprint disturbance area, RAP Groups should be notified immediately if cultural material is re-discovered, so that it can be protected in a safe and efficient manner.

13. MANAGEMENT AND MITIGATION MEASURES

The overall guiding principle for cultural heritage management is to ensure that where possible Aboriginal sites should be conserved.

The site is not located within a culturally significant precinct with regards to both precontact and post contact use of the region. However, there is evidence of Aboriginal occupation across the Armidale/New England region.

There will be no impacts to known Aboriginal sites and areas of archaeological potential within the development footprint and subsequently management and mitigation measures related to this aspect of cultural heritage is outlined below.

The development footprint has been defined as having low archaeological significance determined by the landform assessment in **Section 8.3**. This does not discount the significance placed on previously recorded or known Aboriginal sites/places whereby all artefacts and cultural material hold similar values and are of importance to the Aboriginal community.

13.1 Modifications to Detailed Design

No other proposed modifications to the detailed design will occur as a result of Aboriginal heritage investigations.

13.2 Changes to the Proposed Works

This ACHAR has been prepared based on the most recent information made available to Premise at the time this report was submitted.

Any changes made to the proposed works should be assessed by an archaeologist in consultation with the registered Aboriginal stakeholder groups.

Any changes that may impact areas not assessed during the archaeological survey relating to the proposed development footprint would require further investigation and result in changes to the recommended management and mitigation measures.

If there are to be any impacts outside of the approved development footprint, RAPs should be notified immediately if any cultural material is re-discovered so that it can be protected in a safe and efficient manner.

13.3 No Further Investigation Required

No previously recorded or new recorded Aboriginal sites or sensitive landform features were identified during the archaeological survey. [REDACTED]

As such, no further archaeological investigations are required. Following project approval, works can proceed with caution, in the event of an unexpected find of Aboriginal cultural heritage further works may be required.

Heritage monitoring of initial ground disturbance activities should also be considered.

13.4 Unexpected Finds/Chance Finds Protocol

An unexpected finds procedure now classified as a chance finds protocol should be included as part of the Gara BESS Construction Environment Management Plan (CEMP) to address management considerations for Aboriginal Cultural Heritage

The policy/protocol should include at a minimum the process to deal with an unexpected/chance find in accordance with the below:

- > If unanticipated Aboriginal objects are uncovered during works, all work in the vicinity should cease immediately.
- > A qualified archaeologist should be contacted to assess the find and Heritage NSW, the Armidale and District LALC and a RAP must be notified.

If any chance find is suspected to be human remains, work at the location must cease and the following authorities must be contacted immediately:

- a. NSW Police – **Armidale Police Station. Phone: (02) 6771 0699.**
- b. Contact: compliance@planning.nsw.gov.au

Alternatively, Heritage NSW as part of the Department of Climate Change, Energy, the Environment and Water (DCCEEW) can be contacted via the following details.

- > – **Heritage NSW, Phone 131 555, Email: heritagemailbox@environment.nsw.gov.au**

The location of suspected human remains should be made secure to prevent unauthorised access.

13.5 Ecologically Sustainable Development Principles

In accordance with the ACHAR Guide, Ecologically Sustainable Development (ESD) principles have been considered in preparation of this ACHAR. Considerations for ESD include options to avoid impacts to Aboriginal cultural heritage, assessment of unavoidable impacts, identification of mitigation and management measures, and taking account of Aboriginal community views. The principles of ESD are detailed in the *NSW Protection of the Environment Administration Act 1991*. ESD principles relevant to assessment of the proposed works as it relates to Aboriginal cultural heritage are considered below.

13.5.1 THE INTEGRATION PRINCIPLE

Decision-making processes should effectively integrate both long term and short term economic, environmental, social, and equitable considerations (the 'integration principle').

The proposed works would comply with the integration principle in regard to Aboriginal heritage values. There are no identified areas of high archaeological significance within the development footprint that will be impacted. Recommendations to limit the impact to Aboriginal cultural values have been included within this report.

13.5.2 THE PRECAUTIONARY PRINCIPLE

If there are threats of serious or irreversible environmental damage, lack of full scientific confidence should not be used as a reason for postponing measures to prevent environmental degradation (the 'precautionary principle').

This assessment has identified that majority of the site has had moderate levels of ground disturbance resulting from the clearance of vegetation, ongoing stock movement and the implementation of farm infrastructure, subsequently demonstrating low cultural sensitivity.

No previously recorded sites are located in the development footprint and no new Aboriginal sites or areas of subsurface potential within the development footprint were identified. It is recommended that intact landforms with remnant scattered woodlands located adjacent to the BESS and connection route areas remain intact with minimal impacts. These areas have not been subject to high levels of disturbance.

Potential impacts to social and cultural values of the site have been investigated as part of the current ACHAR investigation for the proposed works (refer **Section 11.2**).

Impacts to cultural heritage have been assessed as negligible.

13.5.3 THE PRINCIPLE OF INTERGENERATIONAL EQUITY

The present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations (the 'principle of intergenerational equity').

No recorded or known Aboriginal sites will be impacted upon as a result the proposed works. There are 39 previously recorded Aboriginal sites located within the broader landscape of the site, therefore, the archaeological resource within the region will continue to be available for investigation by future generations.

Where impacts to social, cultural or aesthetic values of the Armidale area have been identified, measures to reduce and mitigate the impact of the proposed development have been provided in **Section 12** and **Section 13**.

14. CONCLUSIONS AND RECOMMENDATIONS

The site did not reveal evidence of Aboriginal occupation or use of the landscape. Cultural knowledge received through consultation indicates that the broader area was not conducive to permanent occupation due to the lack of major river systems and its bitter winters.

However, the immediate surrounds do show evidence that Aboriginal people utilised the landscape with evidence of culturally modified trees located south of the site. Aboriginal people have however, occupied the landscape within the last 40,000 years indicative from recorded sites in the locality, background research, predictive modelling and consultation with the Aboriginal community.

The site and development footprint has been assessed as having low archaeological potential, with nil artefactual material, sensitive landscapes or cultural modifications observed during the archaeological survey, subject to impacts.

This assessment has been prepared based on consideration of:

- > Statutory requirements under the NPW Act.
- > The requirements of the relevant guidelines:
 - The ACHAR Guide (OEH 2011),
 - Code of Practice (DECCW 2010a),

- Consultation Requirements (DECCW 2010b).
- > SEARs SSD-71680710.
- > The results of the background research, archaeological survey and assessment.
- > Consultation with RAPs.
- > The likely impacts of the proposed development.

14.1 Recommendations

The following recommendations are made:

1. No further Aboriginal archaeological investigations are proposed.
2. An unexpected finds/chance finds protocol should be developed as part of the Gara BESS CEMP.
3. If unanticipated Aboriginal objects are uncovered during works, all work in the vicinity should cease immediately. A qualified archaeologist should be contacted to assess the find and Heritage NSW and Armidale and District LALC and RAP's for the project must be notified.
4. All impacts must remain within the assessed development footprint or further archaeological investigation may be required.

15. REFERENCES

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APPENDIX A

AHIMS Search Results

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APPENDIX B

SEARS

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APPENDIX C

Consultation Log

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APPENDIX E

Registration of Interest Letter

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APPENDIX F

ACHAR and Survey Methodology Letter

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APPENDIX G

Agency RAP Notification

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