ABORIGINAL CULTURAL HERITAGE ASSESSMENT

Finley Battery Energy Storage System

BESS Pacific Pty Ltd

Report No: P001993
Rev: 001D_REDACTED VERSION
7 April 2025

Premise

INFORMATION HAS BEEN REMOVED FROM THIS REPORT FOR ISSUE INTO THE PUBLIC DOMAIN DUE TO SENSITIVE CONTENT WITH RESPECT TO ABORIGINAL CULTURAL HERITAGE VAUES

DOCUMENT AUTHORISATION			
Revision	**Revision Date**	**Proposal Details**	
A	07/02/25	Draft for internal review	
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Prepared By		**Reviewed and Authorised By**	
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ABBREVIATIONS

Abbreviation	Abbreviated term
AC nom.	AC Nominal capacity
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	*Aboriginal Land Rights Act 1983*
ATSIHP Act	*Aboriginal and Torres Strait Islander Heritage Protection Act 1984*
BESS	Battery Energy Storage System
BESS Pacific	BESS Pacific Pty Ltd
CFP	Chance Finds Protocol
Code of Practice	*Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* 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.
Development Site	Lot 3 DP740920
DCCEEW	Department of Climate Change, Energy, the Environment and Water
DPE	(former) NSW Department of Planning and Environment
DPHI	NSW Department of Planning, Housing and Infrastructure
EIS	Environmental Impact Statement
EP&A Act	*NSW Environmental Planning and Assessment Act 1979*
EPBC Act	*Commonwealth Environment Protection and Biodiversity Conservation Act 1999*
GSE	Ground surface exposure
GSV	Ground surface visibility
ha	Hectares

Abbreviation	Abbreviated term
Heritage Act	*Heritage Act 1977*
Km	Kilometres
LALC	Local Aboriginal Land Council
LEP	Local Environmental Plan
LGA	Local Government Area
m	Metres
MW	Megawatt
MWh	Megawatt per hour
NPW Act	*NPW Act National Parks and Wildlife Act 1974*. Primary legislation governing Aboriginal cultural heritage within NSW.
NSW	New South Wales
NTA	*Native Title Act 1994*
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	*State Environmental Planning Policy (Planning Systems) 2021*
RAP	Registered Aboriginal Parties
REZ	Renewable energy zone
RNE	Register of the National Estate
SEARS	Secretary's Environmental Assessment Requirements
SEPP	State Environmental Planning Policy
SSD	State Significant Development
SSDA	State Significant Development Application

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EXECUTIVE SUMMARY

BESS Pacific, c/o Gransolar Development Australia (BESS Pacific) propose to develop a 100 Megawatt AC (MW_{AC})/ 200 MW Hour (MWh) Battery Energy Storage System (BESS) and ancillary works at Riverina Highway, Finley NSW 2713, being Lot 3 DP740920; within the Berrigan Local Government Area. The project is characterised as a State Significant Development (SSD) and will be known as the Finley BESS.

Premise Australia Pty Ltd (Premise) have been commissioned by BESS Pacific to prepare an Environmental Impact Statement (EIS) in support of the SSD project. As part of the EIS an Aboriginal Cultural Heritage Assessment (ACHA) has been undertaken.

The development site for the Finley BESS project impacts land within Lot 3 DP740920 (private land under agreement with the applicant), Lot B DP961693 (Transgrid substation) and the road reserves of Canalla and Broockmanns Road, Finley.

Ancillary aspects of the project include:

- Transgrid Substation upgrade works - 168 Canalla Road, Finley being Lot B DP961693; and
- Underground transmission cables within the Broockmanns/Canalla Road reserves and Mulwala No. 19 channel.

An archaeological survey was undertaken on 15 January 2025 by Premise Archaeologist (Latisha Ryall) and five Registered Aboriginal Parties (RAPs) representatives.

Results of the archaeological survey and in-depth desktop research has determined the following:

- There are no previously recorded Aboriginal sites/places located in the development area.
- No newly identified Aboriginal sites/places were recorded during the archaeological survey.
- No archaeological sensitive areas or landform types were identified in the development area.
- The development area is representative of a disturbed landform context through historical cropping activities and development of urban infrastructure.
- Previous archaeological assessments have been undertaken across portions of the site which have also indicated the low archaeological sensitivity of the landscape.
- The development site demonstrates low archaeological potential.

The following recommendations are made:

1. No further Aboriginal archaeological investigations are warranted.
2. Prior to works commencing a Chance Finds Protocol (CFP) is to be developed for the site. The CFP must include the procedure and management of unexpected finds and suspected human remains relevant to Aboriginal cultural heritage.
3. All impacts must remain within the assessed development area or further archaeological investigation may be required.

1. INTRODUCTION

1.1 Project Background

BESS Pacific Pty Ltd (BESS Pacific) propose to develop a 100 Megawatt AC (MW_{AC})/ 200 Megawatt Hour (MWh) Battery Energy Storage System (BESS) and ancillary works at Riverina Highway, Finley NSW 2713 being Lot 3 DP740920; within the Berrigan Local Government Area. The project is characterised as a State Significant Development (SSD) and will be known as the 'Finley BESS'.

Premise Australia Pty Ltd (Premise) have been commissioned by BESS Pacific to prepare an Environmental Impact Statement (EIS) in support of the SSD project. As part of the EIS an Aboriginal Cultural Heritage Assessment (ACHA) has been undertaken.

The development site for the Finley BESS project impacts land within Lot 3 DP740920 (private land under agreement by the proponent), Lot B DP961693 (Transgrid Finley substation) and the road reserves of Canalla and Broockmanns Road, Finley. Collectively are hereafter referred to as 'the development site'.

Ancillary aspects of the project include:

- Transgrid Substation augmentation works - 168 Canalla Road, Finley being Lot B DP961693; and
- Underground transmission cables within the Broockmanns/Canalla Road reserves and Mulwala No. 19 channel.

The areas directly impacted by the BESS, including the access driveways, BESS area, substation and the connecting electricity transmission line will be collectively referred to as the 'development site' throughout this report.

The development site area is approximately 10.45 hectares (ha).

The proposed impact area would cover approximately 3 ha.

The area assessed as part of this DRAFT ACHA is approximately 12.37 ha, which includes a 10 m buffer applied to the entirety of the development site.

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 18 July 2024 (SSD-72430958). 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 site.

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-72430958;
- *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)	*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), and including results of archaeological test excavations (where required), undertaken in accordance with the relevant standards and requirements;*	**Section 4**, **Section 8**, **Section 9** and **Section 10**
	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	**Section 3** and **Appendix C**

1.3 Regional Context

Finley is located within the Murray Darling Basin and in the Riverina region of New South Wales (NSW). Finley is part of the Berrigan Shire local government area (LGA) which also includes the towns of Tocumwal, Barooga, Berrigan, Tocumwal. Mulwala, Boomanoomana, and Savernake. The town is situated approximately 60 km east of Deniliquin, 140 km west of Albury, 200 km southwest of Wagga Wagga, 300 km north of Melbourne and is positioned approximately 17 km north of the Victorian border.

Finley is characterised as a rural town which is predominantly utilised for of irrigated and dryland farming, and as a service centre for the Berriquin Irrigation Area.[1] The regional context is shown in **Figure 1**.

1.4 Development Site

The development site is located approximately 4.5 km west of the town of Finley in the Riverina area of NSW. The development site is in the Berrigan LGA. The development site has an area of approximately 10.45 ha. The proposed area subject to all physical disturbance impacts is approximately 3 ha.

The development site for the Finley BESS project impacts land within:

- Lot 3 DP740920 (private land under agreement with the applicant);
- Lot B DP961693 (Transgrid substation); and
- the road reserves of Canalla and Broockmanns Road, Finley.

The development area and surrounding lands are zoned as RU1 Primary Production under the *Berrigan Local Environmental Plan 2013* (LEP), which are primarily used for agricultural practices including irrigated agriculture and grazing.

The BESS is proposed to be located on Lot 3 DP740920, which has historically been utilised for irrigated cropping activities. Lot 3 DP740920 contains several isolated, mature native trees and is bound by Canalla Road to the west and Broockmanns Road to the south.

The Finley BESS will connect to the Transgrid Finley Substation, which is located on Lot B DP961693. Lot B DP961693 fronts Broockmanns Road in the north and Canalla Road in the east. Lot B DP961693 is predominantly cleared of vegetation with trees and shrubs located along the south and west boundaries.

No natural watercourses are located in the development site. However, the Mulwala No. 19 Channel is located south of Broockmanns Road in the northern extent of Lot B DP961693 which forms part of the Berriquin Irrigation System. The project transmission line would be constructed under this channel via underboring methods. Other waterways in the locality include the Mulwala Canal located 1.4 km north of Lot 3 DP740920 , the Ulupna Channel situated 850 m to the east of the development site, while the Murray River is located 17 km south of the development site. .

[1] https://www.aussietowns.com.au/town/finley-nsw

66kV overhead electricity transmission lines run along Broockmanns and Canalla Roads and traverse Lot B DP961693. The development site features an existing farm access to Broockmanns Road in the south; this would be upgraded to provide light vehicle access to the site.

The Finley Solar Farm is located approximately 400 metres to the south of the development site, at 198 Canalla Road, covering an area of 385 ha. This solar farm has been operational since 2019 and is also connected to the Finley Substation. The proposed Berrigan BESS is located to the west of the site on the opposite side of Canalla Road,

The development area is within the boundary of the Cummeragunja Local Aboriginal Land Council (LALC).

The development site and the subject of this Aboriginal Cultural Heritage Assessment Report (ACHAR) is shown in **Figure 2**.

1.5 Aboriginal Heritage at the Site

An extensive search of the online Aboriginal Heritage Information Management System (AHIMS) [redacted]. Nil sites are located within 5 km of the site and nil sites were identified during the archaeological survey.

The location of the recorded Aboriginal sites is provided in **Section 6**.

Figure 1 – Regional Context

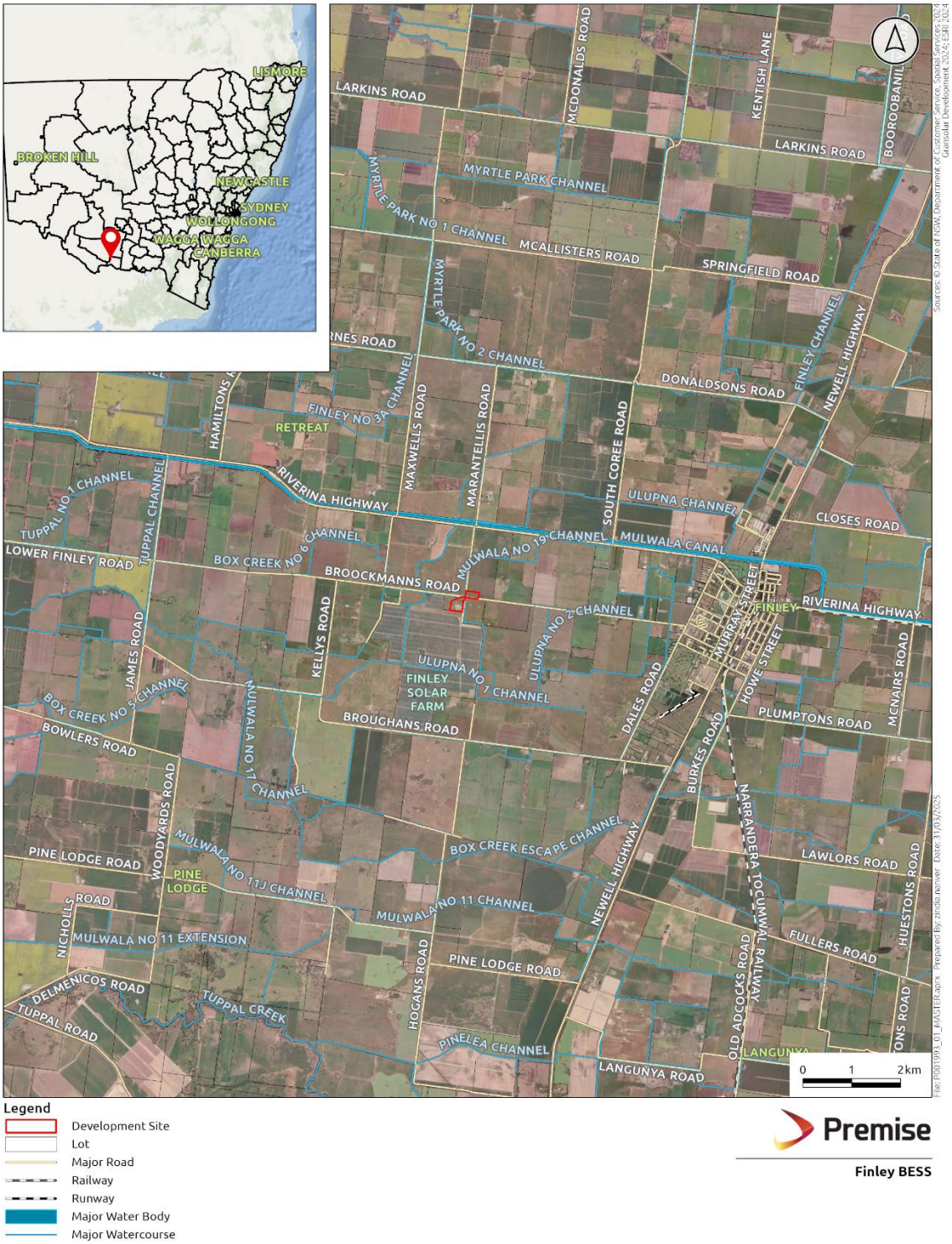


Figure 2 – The Development Site

1.6 Proposed Works

The proposed works involve the development of the Finley BESS and ancillary infrastructure. Construction is expected to commence in 2026, over an eleven-month period and will have a lifespan of between 20-25 years, with the possibility of upgrades to extend the operational life. Once constructed the Finley BESS will operate 24 hours, 7 days a week.

The Finley BESS project comprises a BESS with an AC Nominal capacity(Ac nom) delivery of approximately 100 MW/200 MWh, incorporating on-site energy storage containers, approximately 80 x 20-foot modular containers comprising of Lithium-Ion batteries with the appropriate cooling and fire protection system. Other physical features include a control room/switchgear and auxiliary transmission cables, car parking, landscaping, security fencing/lighting, and a single storage structure.

The BESS will connect to the Finley Transgrid substation located adjacent to the development site (southwest) via underground transmission cables, approximately 480 metres in length. The development site will have an area of approximately 3 ha and will consist of all physical disturbance aspects associated with the development of the project.

The Finley BESS will comprise of the following key components:

- Enclosed container Lithium-Ion batteries;
- Power conversion systems including associated inverters and transformers;
- Underground power and fibre optic cabling interconnecting the equipment;
- Grid connection equipment including switchgear, protection and control equipment, metering, reactive power equipment, filtering equipment, auxiliary transformers and enclosures/buildings for housing equipment;
- Underground transmission line of up to approximately 480 metres long to connect the BESS to the Transgrid Finley substation;
- Earthing and lightning protection systems;
- Site office, storage area/enclosure, internal access roads, on-site parking, security fencing, CCTV, fire safety system and temporary construction laydown area;
- Vegetation screening;
- Provision of a new site access point from Canalla Road and utilisation of an existing site access point from Broockmanns Road.

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

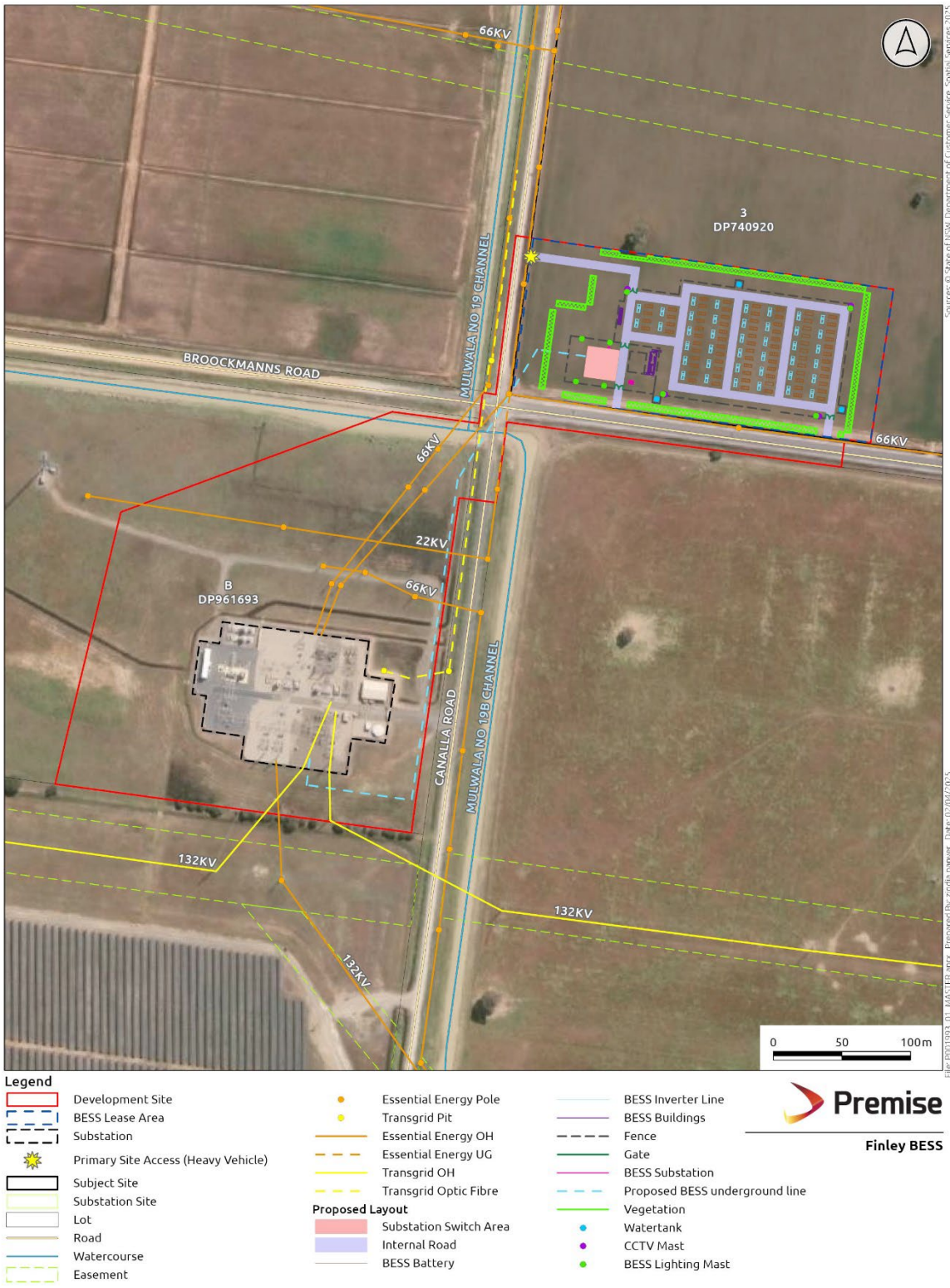
- Site investigations, vegetation clearing, levelling, access way construction, drainage system installation and installation of foundations/supports to install equipment on;
- Transportation to site and installation of equipment;
- Testing and commissioning of the equipment; and
- Operation and maintenance.

Key features of the project are summarised in **Table 2** and shown in Figure 3.

Table 2 – Project Summary

Project element	Summary of the project
Site details	The site involves construction in three areas: • Lot 3 DP740920, Riverina Highway, Finley; • Lot B DP961693, 168 Canalla Road, Finley; and • Broockmanns/Canalla Road reserves (underground transmission cable easement).
Infrastructure	The proposed infrastructure includes: • 100 MWAC/200 MWh BESS occupies the majority of the development site; • Upgrade works within the existing 132/66kV Transgrid Finley substation to accommodate the connection of the BESS; • Underground transmission cables approximately 480 m long connecting the BESS substation to the Transgrid Finley substation; • Temporary construction compound including material laydown areas, site offices, vehicle parking and amenities; • Construction of a new property accesses from Canalla and Broockmanns Roads and; • Security fencing and lighting; and • Specific native vegetation screening from identified visual impact locations if required.
Site Access	Heavy vehicle access the site via a new access treatment from Canalla Road. Transgrid vehicles will use a new light vehicle access point from Broockmanns Road, while project-related light vehicles will use the existing (upgraded) access from Broockmanns Road?
Access route	Heavy vehicles carrying BESS components would travel to the site from the Port of Melbourne using local roads and highways and utilising the proposed heavy vehicle site access location on Canalla Road.
Decommissioning and rehabilitation	The development site would be rehabilitated during the decommissioning period to as close as possible to pre-development conditions.

Figure 3 – Proposed Works



1.7 Proposal Refinements

The proposal has been refined through discussion with Berrigan Shire Council (BSC), assessed by the project transport engineer. Initial investigations included the potential for road and intersection upgrades along the Riverina Highway and Canalla Road, however it has been determined that these are not required to facilitate the project. A traffic impact assessment prepared for the project (Premise 2025) has determined that the current configuration of the intersection will not have any additional impacts on traffic safety through the increase of the Finley BESS traffic using the existing intersection, therefore upgrades are not warranted.

Therefore, while these areas were surveyed for this ACHA, they have been excluded from the development footprint and no longer form part of the project. Survey tracks showing the larger area assessed along the Riverina Highway for the ACHA are shown in **Figure 8.**

Ongoing discussions were held with Transgrid regarding the final alignment of the connecting transmission line through Lot B DP961693 and the connection to the substation. Several options for the applicable areas have been considered; however, not all of the assessed land will be affected by the project. The preferred alignment has now been finalised as shown in **Figure 2**.

1.8 Assessment Objectives

The objectives of this ACHAR are to:

- Assess the Aboriginal cultural heritage values of the development site, 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 site;
- Provide a description of the Aboriginal community involvement and Aboriginal consultation;
- Provide a significance assessment of the development site 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.

1.9 Report Limitations

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

1.10 Authorships and Acknowledgments

The report was prepared by Latisha Ryall (Archaeologist, Premise). A site inspection was undertaken on 15 January 2025 by Latisha Ryall (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 3**.

Table 3 – Consultant Qualifications

Name	Qualification	Years' Experience
Latisha Ryall	BA Archaeology and Palaeoanthropology. BA (Hons) Archaeology	6 years
David Walker	Bachelor of Regional and Urban Town Planning Registered Environmental Assessment Practitioner (PIA)	20+ years

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 all Aboriginal objects and declared places irrespective of their level of significance 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.

There are no gazetted Aboriginal places in the development site.

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 ILUAs 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 (ILUAs).

A search of Native Title Vision (NTV) and review of the National Native Title Tribunal's Native Title Register was undertaken on 9 October 2024. Additionally, a request was sent to Geospatial Services National Native Title Tribunal on 23 October 2024 to determine if any Native Title features are associated with Lot 3 DP740920 and Lot B DP961693.

The results of these searches identified that there are no Native Title claims currently registered in the development 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.

The development site is within the boundary of the Cummeragunja 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. 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).

While the development is being 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 development 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.

There are no objects or places of Aboriginal heritage significance listed under Schedule 5 of the Berrigan LEP.

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 includes 'national heritage' as a matter of National Environmental Significance and protects listed places to the fullest extent under the Constitution.

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

A review of the National Heritage List, Commonwealth Heritage List and Register of the National Estate (RNE) was undertaken 9 October 2024:

- There are no items listed on the National Heritage List located within the development site.
- There are no items listed on the Commonwealth Heritage List located within the development site.
- There are no Aboriginal significant items or places listed on the RNE located within the development site.

2.2.2 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 proposal site have been made under the ATSIHP Act.

3. 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 development site was provided through:

- Review of the draft ACHAR methodology, including invitation for feedback on the approach;
- During consultation undertaken between October 2024 to February 2025 by Premise; and
- During field survey undertaken in January 2025 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**).

3.1 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 23 October 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 Berrigan Shire LGA.

- National Native Title Tribunal (Geospatial Search);
- Native Title Services Corporation Limited (NTSCORP);
- Heritage NSW;
- The Registrar, Aboriginal Land Rights Act 1983 (Office of the Registrar);
- Murray Local Land Services (LLS);
- Cummeragunja LALC; and
- Berrigan Shire Council.

In accordance with Stage 4.1.3 of the Consultation Requirements, Premise placed an advertisement in the Southern Riverina News newspaper which was published on 23 October 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 development 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 7 November 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 Finley BESS project. These groups or individuals constitute the Registered Aboriginal Parties (RAPs) for the Finley BESS and are listed below:

- [redacted]
- [redacted]
- [redacted]
- [redacted]
- [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 Cummeragunja LALC on 28 November 2024 (refer **Appendix G**).

3.2 Review Assessment Methodology

A copy of the proposed ACHAR methodology was distributed to RAPs on 22 November 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**).

Overall:

- [redacted]
- [redacted]

The area is identified as being a low archaeological sensitivity area and is not associated with a highly significant identified Aboriginal place, object or persons as indicated by consultation with RAPs through the consultation process and through discussions on site.

3.3 Survey

An archaeological survey of the development site was completed on 15 January 2025. The archaeological survey covered a much larger area that will be subject to impacts as part of the proposed development (refer **Section 8**).

3.4 Aboriginal Cultural Values

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

Discussions onsite indicated that the area had been subject to extensive clearance through agricultural activities, irrigation development and contemporary urban infrastructure.

The locality of the site and surrounding area once represented a marsh land, however, would not have been an ideal occupation place rather, an area for gathering resources through transient movement to the larger waterways of the Murray River for camping as well as Tuppal Creek and Native Dog Creek to the south and Billabong Creek to the north.

Potential meeting place areas in the wider region include Native Dog Swamp and the Boat Rock (or Gibbawah) site located at Savernake. Cultural values of the Finley region also include the Bangerang (People of the Tall Trees) experience and understanding of the Bullanginya Dreaming.

3.5 Review of Draft ACHAR

A review of the DRAFT ACHAR was provided to RAPS for a 28-day review period on 10 February 2025, requesting comments and feedback to be provided by 10 March 2025. A follow up email was sent on 3 March 2025 to prompt any feedback before the closing date.

At the end of the revised draft review period 3 groups had provided a verbal response shown in **Table 4**.

All comments were in support of the revised ACHAR.

Table 4 – Summary of RAP comments on Draft ACHAR 2025

Organisation	Comments	Response
[redacted]	In support of the ACHAR	No further updates
[redacted]	In support of the ACHAR.	No further updates
[redacted]	In support of the ACHAR.	No further updates

4. ENVIRONMENTAL CONTEXT

4.1 Landform, Geology and Soils

The development site is located within the Riverina Bioregion of southeast NSW which also extends into the central-north of the state of Victoria (NSW NPWS, 2003:91). The Riverina Bioregion includes outlying remnants of the Murray Darling Bioregion towards the western boundary as well as the Victorian Midlands Bioregion to the south. The development site is located in the Murray Fans IBRA subregion.

The upper catchment landscape of the Riverina Bioregion is a series of overlapping, low gradient alluvial fans while the lower tract of the river is a floodplain which has overflow lakes. Patterns of sediment deposition, soils, landscapes and vegetation are controlled by the discharge from past and present streams (NSWNPWS, 2003:92). The bioregion is dominated by river channels, swamps, lakes, floodplains, back plains and lunettes which are all of Quaternary age. The bioregion comprises three overlapping alluvial fans which are centred on the eastern half of the Murray Basin.

Modern river channels within the Riverina Bioregion consist mostly of sandy soils, whilst on higher terrace landforms that are rarely subject to flooding, saline soils and heavy grey and brown clays are found (National NSW NPWS, 2003:92). These red-brown and grey clays support grassland communities in the bioregion which are considered naturally significant. Similarly, Malle communities are supported in the Riverina by calcerous, sandy soils. Levees, old channels, dunes and lunettes are also formed by sandy soils.

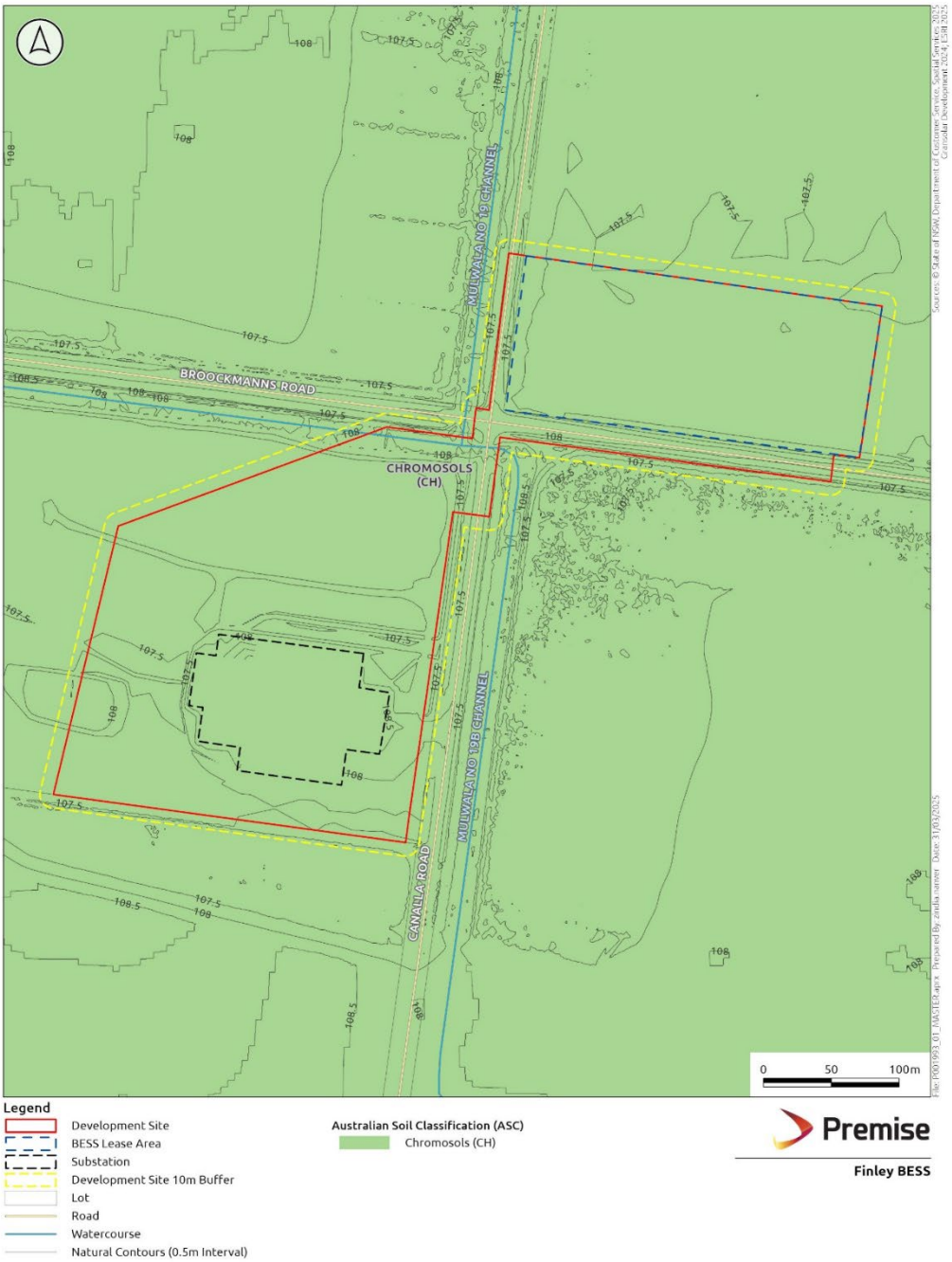
The Australian Soil Classification (ASC) Soil Type map identifies that the area is located predominantly on Chromosols (CH) soils with Rudosols (RU) soils located in the northern extent of the development site. Soils are mostly red and brown Chromosols and Sodosols, with less common reddish brown Chromosol/Vertosols and Grey and Brown vertosols (Cracking Grey and Brown Clays) in the locality. This is also consistent with the soil profile of the Murray Fans IBRA subregion, which consists mostly of red brown earths, grey clays and deep sands

An eSPADE land and soil capability profile undertaken for Lot B DP961693 (ref: WAIT-A-WHILE) indicates that the landform consists of a broad level plain on alluvium, comprising the easternmost of the three extensive Riverine Plains soil landscapes; to the west. Slopes represent <1% in the landscape, which is characterised by extensively cleared grey box-yellow box grassy woodland. In this locality, low lying areas have poor drainage with soil deformation occurring easily and topsoils prone to structural decline through wind erosion. Low lying areas have poor drainage. Some scalding occurs where topsoils are lost exposing sodic subsoils.

A bore hole soil report undertaken on the Canalla Road (ref: Morontellis Rd Berrigan BH 818) and within the development site describes the locality as an alluvial plain on alluvium lithology with medium clays down to 13.2m.

Soil landscapes are shown in **Figure 4**.

Figure 4 – Soil landscapes of the locality



4.2 Vegetation

Vegetation across the Riverina Bioregion consists of river red gum and river cooba communities, particularly on areas around river channels with sandy soils. Black box woodlands are found on saline heavy grey and brown clays on the outer perimeter of floodplains which also support naturally significant grassland communities. Yellow box, cypress pine and grey box communities are also common in areas which have low levels of flooding. Saltbush shrubland, cotton bush, malle, bluebush, lignum, samphire and native grasses are also dominant across the Riverina (National Parks and Wildlife Service NSW, 2003:92).

There are five (5) native trees located within Lot 3 DP740920, two of those are located within areas subject to impacts, whilst the remaining land consists of agricultural crops or urban infrastructure. Physical site conditions include yellow box, Redbox and grey box vegetation types. Minimal vegetation was observed in Lot B DP961693. A planted (non-significant) vegetation screening is located on the western and southern boundary outside of the assessment area.

4.3 Hydrology

The Murray River and the Murrumbidgee River are the major tributaries of the Riverina Bioregion while the Lachlan River and Goulburn Rivers flow from the highlands in the east towards the Riverina Plain in a westward direction. The Murray River is situated approximately 17 km south of the development site and is approximately 2,500 km in length and forms part of the Murray Darling basin. The Murray River rises in the Australian Alps then meanders northwest forming the border between NSW and Victoria and then flows into South Australia.

Larger creeks are located at a considerable distance from the development site with Tuppal Creek approximately 9.8 km southwest from Lot 3 DP740920 and Billabong Creek located approximately 30 km north of the development site. No wetlands or estuaries occur in the locality, with the nearest mapped wetland (NSW Central Murray wetlands) approximately 20 km southwest of the development site.

No other rivers or creeks are located within the development site or the surrounding locality however, the development site is located within the Berriquin Irrigation District/Area. The Berriquin Irrigation District was opened in 1939 and extends from Finley in the southeast, to Deniliquin in the west and Jerilderie in the north. This irrigation area includes a number of canals and channels which connect to the wider Murray Irrigation System to help provide a reliable source of water to regional locations including farm lands across Finley.

The main Mulwala Canal is located approximately 615 m to the north of Lot 3 DP740920 and is located adjacent to the Riverina Highway on the northern side. The Mulwala No. 19 Channel runs east west along the northern boundary of Lot 3 DP740920, then deviates south along the western alignment of Canalla Road where it runs in an east west orientation on the northern boundary of Lot B DP961693 associated with Broockmanns Road, where it deviates south along the eastern side of Canalla Road.

The Ulupna Channel is also situated approximately 570 m west of the portion of Lot 3 DP740920 that will host the BESS. The Mulwala No. 19 Channel bisects the Ulupna Channel.

4.4 Historical Context and Land Use

Finley is located within the Berriquin Irrigation District which forms part of the wider Murray Irrigation System. Finley and surrounding towns such as Berrigan, Wakool, Bunnaloo also rely on the irrigation system for a reliable source of water, particularly in times of drought (Murray Irrigation). The land on which the BESS is to be located (Lot 3 DP740920) has historically utilised the Mulwala No.19 Channel surrounding the land for cropping activities.

A review of historic aerial imagery has identified that the development site and surrounding land has been utilised for agricultural activities, particularly irrigation cropping, since at least 1968 (refer **Figure 5**). However, it is noted that the Berriquin Irrigation District was in operation from 1940 and it can be assumed that agricultural activities can date back to at least the mid-1930s and most likely, to the 1870s when the first European settlers arrived in Finley.

Historic aerial imagery has also confirmed that the remnant mature trees located within Lot 3 DP740920 have been present since at least 1968 with the potential to have existed prior to European settlement of the area.

The residential dwelling and associated infrastructure located to the east of Lot 3 DP740920 has been present since at least 1968 while the Finley Substation on Lot B DP961693 appears to have been constructed between 1976 and 1991.

Figure 5 – Historic Aerial Imagery 1968. Source HLRV

4.5 Current Site Conditions

The site is currently comprised of an agricultural landscape, predominantly used for crop pasture with cleared, fenced paddocks and electrical transmission infrastructure. Extensive clearing of native vegetation has occurred across most of the site modifying the landscape for construction of the Finley Substation, associated roads, the Mulwala channels and cropped farming land. There are scattered remnant trees in an otherwise cleared agricultural landscape and the site is almost devoid of upper stratum vegetation.

The area has nil Aboriginal archaeological potential.

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.

The development site is located within the Cummeragunja LALC boundary, and is associated with several Aboriginal language groups and traditional custodians of Country including the Bangerang, Yorta Yorta and Wiradjuri people/s who traversed the landscape of the Riverina along the Murray River.

The Murray River did not represent a defined boundary with interaction between Aboriginal language groups for trade, communication and traditional lore, including the Bangerang people, who occupied both sides of the Murray. The Bangerang consists of the *Moirathban, Toolinyagan, Wolithiga, Kailthban*, *Ngarrimowro, Angootheraban* and the *Pikkolatpan* groups or similar language variations of these names as shown in **Figure 6**. Bangerang are known as the "People of the Tall Trees".

The Bangerang language group extended north to the Murrumbidgee River and along the Dhungal (Murray) River, from Howlong to Berrigan and south to Mansfield in Victoria. Aboriginal people travelled along the river systems in bark canoes, made from river redgum, with evidence of canoe trees, campsites, shell middens and burials recorded in this region (National Parks and Wildlife Service NSW, 2003: 95).

The Yorta Yorta Aboriginal tribe (also referred to as 'Jotijota') are situated in areas along the Murray River (referred to as '*Dunggula*') extending from Cohuna in the west to the west of Albury Wodonga, and from Euroa in the south, up to Jerilderie in the north (YYNAC, 2022). In 1842, this Aboriginal community were reported to have commonly visited the Murrumbidgee River, however, would have mostly utilised the natural resources of the Murray River (Tindale, 1974:194). The lands of the Yorta Yorta Nation are characterised by open savannah woodlands with an abundance of Eucalyptus trees (Tindale, 1974:194).

Northern language groups including the Wiradjuri also interacted and occupied the area of Berrigan and surrounding areas (NSW Department of Lands 1987, cited in Eardley 1999). The Wiradjuri language group is the largest language group in Australia extending from Murray River in the south to Hay in the west and Nyngan in the north.

The development site forms part of the larger 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 suggest 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.

Figure 6 – Bangerang Language Group area

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 and the presence of hearths in the region. 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.

Aboriginal people/s utilised the abundance of natural resources across the landscape for sources of food to and create tools, weapons, canoes, baskets and more. The Murray River to the south of Finley would have provided fish, shellfish and a plant based diet, while the landscape provided reliably good hunting grounds. Animals including kangaroos, possums, emu, reptiles and more, were consumed by the local Aboriginal community with roots, seeds and fruits also sourced from the lands. Rugs and cloaks were also created from the skins of kangaroo and possums, fashioned with bone pins and animal sinew threads. Bags, fishing nets and wooden vessels were manufactured with bark, wood and other animal materials.

Aboriginal communities often occupied semi-permanent settlements in areas along the river which have an abundance of food at the time (this was particularly common in Spring and Summer when water was scarce). During late Autumn and Winter, the food resource availability became less dependable, and the rainfall became more frequent. During these periods Aboriginal communities would relocate to other semi-permanent settlements further inland, hunting for food on the plains (Hill, 2015: 10).

The Berrigan Shire Council installed the first reticulation scheme in Finley in 1940 following the establishment of the Berriquin Irrigation Scheme, marking the towns first reliable water service.[2] This emphasises the lack of a reliable natural source of water in Finley and suggests that long term Aboriginal occupation of the area was not likely.

5.1.1 POST CONTACT

European settlement of Australia began in 1788, however, the colony rapidly expanded inland to regional areas. Pastoral expansion into the Riverina region occurred from the 1840s onwards, disrupting the traditional customs and practices of the local Aboriginal communities (Kemp, 2004: 3). Hume and Hovell were European explorers who in 1824, led an expedition south of Sydney and into Victoria, with the goal of finding new grazing lands (Berrigan Heritage Committee, 2006: 32).

This included exploration across the Riverina region with squatters soon settling across the region including Finley. Finley was named after Surveyor F.G Finley who surveyed approximately 1.2 million ha of land across the Riverina in the 1870s (SMH, 2008). However, ethnographic sources suggest that the land surrounding Finley was known as 'Carawatha' (meaning a 'place of pines') by the local Aboriginal community prior to European arrival. By the 1880's, Aboriginal people/s had succumbed to diseases such as smallpox, influenza and syphilis introduced to the area by European settlers. The additional displacement and starvation that the Aboriginal people of the Riverina region were suffering forced them to relocate. Not only were the community suffering from diseases, they also were commonly subject to massacres and in the first generation of the European arrival, the Aboriginal population consisting of approximately 5,000 to 6,000 people were soon reduced by 85% (YYNAC 2022). A number of survivors of the initial European settlement, particularly Aboriginal people/s from the nearby town of Deniliquin, fled to a well-watered sanctuary on the Edward River, known as Moonacullah, located approximately 50 km west of Deniliquin (Edmunds 1996:10) A school was opened in Moonacullah in 1910 for the Aboriginal children residing there. The Aboriginal Protection Board was established in 1916 and as a result, most Aboriginal communities were forced to live

[2]

within Moonacullah (later established as an Aboriginal Station/Mission) or other surrounding missions such as the Maloga Mission near Moama or the Cummeragunja Station(YYNAC, 2022)

However, documentary research has indicated that the Cummeragunja Aboriginal Station was established in NSW in the late 1800s, along the Murray River, within Yorta Yorta/Bangerang Country. Cummeragunja was established as a reserve, consisting of 1800 acres and became home to many Aboriginal people, however conditions were difficult for the residents suffering from harsh and ill treatment (deadly story nd.)

In 1894, the station was divided into 20 farm lots (40 acres each) with residents working to produce wheat, wool, and dairy products, and reinvesting profits into the community. By 1909, the Aborigines Protection Act was passed, giving the Protection Board full control over Indigenous peoples' lives. In 1915, the Board further restricted the station's autonomy, removing its committees and imposing more oppressive conditions. Workers received poor rations, children were taken for domestic work, and funds generated by the station were sent directly to the Board (deadly so

In 1939, residents of Cummeragunja Station staged the first mass strike of Aboriginal people in protest of the poor living conditions and government control. Fearful of the station manager, Arthur McQuiggan, they called on former resident Uncle Jack Patten for help. Patten informed them of the government's plans to remove their children and their rights.

On February 4, 1939, around 200 residents walked off the station in protest. Patten was arrested for "inciting Aborigines" and removed, but the residents continued their strike, taking their belongings and leaving. Many crossed the Murray River into Victoria, settling in towns like Barmah, Echuca, and Mooroopna, while others headed toward the city.

Cummeragunja Station was officially closed in 1953, though some residents remained and resumed farming on the land (deadly story n.d)

5.2 Previous Archaeological Assessments

A limited number of archaeological investigations or publications relating to Aboriginal Heritage have been prepared for the Finley region, with the exception of the Finley Solar Farm located immediately south of the Development Site. However, an assessment of the histories and previous archaeological assessments undertaken in the wider community provides some a broader understanding of the Aboriginal archaeological context of the region.

Archaeological research of the Murray Valley during the 1970s and 1980s focused primarily on burials and mounds. Mound sites are particularly common in areas between Deniliquin and Swan Hill (located to the east of Finley) with these site types accounting for almost half of the sites recorded during this period (Hill, 2015: 10). Later in 1984, Berryman and Frankel conducted an archaeological survey along the Wakool River which branches off the Edward River near Deniliquin approximately 100 km east of Finley. This archaeological survey also included excavations of mounds which ranged in size from between 8 and 40 m in diameter and generally less than 1 m in height. Nearly all mounds were located along water channels on the floodplain with the largest mounds located adjacent to an ephemeral creek line. These mounds

comprised of lumps of baked clay, in a very hard, thick clay matrix. These mounds dated to around 2,500 years ago (Edmonds, 1996:14).

In 1990, Bonhomme undertook surveys in the Barmah Forest and in 1993, the Koondrook State Forest located approximately 140 km west of Finley and identified four (4) sampling strata within the forests including sandhills, river or creek margin, swamp margin and box ridges. Thirty-four percent (34%) of sites occurred on swamp margins and 61% of all mounds occurred here. 79% of all scarred trees occurred on box ridges and the remaining scarred trees were located along river/creek or swamp margins. Bonhomme discovered 80 sites in the Koondrook State Forest including 57 mounds, 18 scarred trees and five burials (Edmonds, 1996:16).

In 1996, Edmonds conducted an archaeological survey along the levee banks in North Deniliquin for the proposed constriction of Levee Stage II. This assessment established four (4) previously recorded Aboriginal sites in the area, all of which were culturally scarred trees located on both the high and low alluvial plain. A total of 10 Aboriginal sites were located along the levee banks of borrow pits of the study area during the archaeological survey. This included nine (9) scarred trees, located on River Red Gum trees along the riverbank and creek banks and on Black Box trees on the floodplain and along linear depressions. One (1) burial was also located in a dune near the river. The condition of the quarried dune made it difficult to determine how much of the burial remained subsurface (Edmonds, 1996: 20).

In 1996, Archaeological Consulting Services undertook an assessment for a proposed irrigation channel to be installed near the Tuppal Creek, approximately 25 km southwest of the development site. This assessment included a survey of 33 km of land which identified 10 scarred trees on alluvial plains. As this majority of the site was located away from a permanent water source, sites representing a permanent Aboriginal campsite were not anticipated (RPS, 2017: 16)

In 2008, OzArk Environment and Heritage prepared an Indigenous Heritage Assessment for the proposed upgrade to the 132kV electricity transmission line from Mulwala to Finley which included an assessment of part of Canalla Road which bounds the development site in the east. This assessment identified no previously recorded Aboriginal sites located within the vicinity of the transmission line nor were any identified during the survey. This is likely due to the distance of the transmission line from a natural watercourse which is predominantly where Aboriginal sites within the Murray Darling region have been identified.

In 2017, ACHM prepared a Due Diligence Assessment for the Finley Solar Farm located adjacent to the proposed Finely BESS. It was predicted that the artefact type most likely to be identified within the development site was culturally modified trees or stone artefacts, however, no sites were identified on the AHIMS database nor were any identified during a site inspection. It was determined that Bulokes, Yellow Gums and Box Eucalypt trees were likely present across the site prior to mass clearing following European occupation of the area. The site was noted as having been highly disturbed through historic agricultural activities including laser-levelled (graded) areas and well as the implementation of drains and channels for irrigation (RPS, 2017: 15).

Following on from the above assessment, later in 2017, RPS prepared a Cultural Heritage Assessment Report for the Finley Solar Farm. This assessment included a search of the AHIMS database including the solar farm area and the existing Finley BESS development site, with a 10 km radius. The results of this search identified no preciously recorded Aboriginal sites located within the development area with a site survey confirming that no Aboriginal objects or sites were present. 11 Aboriginal sites were identified within 10 km of the development site including six (6) scarred trees, four (4) mounds (ovens) and one (1) artefact scatter. These sites were located within proximity to the Tuppal Creek which is one of the few natural drainage courses within the Finley area (RPS, 2017: 15).

In 2022, Jacobs prepared an ACHAR for the Yanco Delta Wind Farm located approximately 60 km north of the development site, and is surrounded by the Delta and Yanco Creeks. A search of the AHIMS database identified two (2) previously recorded Aboriginal sites located within proximity to the wind farm. An archaeological survey identified an addition eight (8) sites including one (1) potential archaeological deposit (PAD), three (3) PAD with an artefact scatter and hearth, two (2) PAD with an artefact scatter, one (1) artefact scatter and one (1) hearth. Six (6) of these sites were identified on flats and the remaining two (2) were discovered on terrace landform features (Jacobs, 2022; iii).

In 2023, Premise conducted an archaeological surface survey of land along the Edward River in Deniliquin, located approximately 60 km west of the development site. This assessment identified 17 previously recorded Aboriginal sites located within the locality the majority of which were located within close proximity to the Edward River or nearby creek lines. Culturally modified trees were the most common site type in this location, however a number of these sites have been destroyed through flooding events (Premise, 2023: 5).

In 2023, EMM prepared an ACHAR for the proposed Dinawan Solar Farm in Jerilderie located approximately 40 km north of the development site. A site inspection identified 35 previously unrecorded Aboriginal sites and objects including eight (8) artefact scatters, seven (7) hearths and an additional four (4) hearths with artefact scatters and three (3) hearths with isolated artefacts, six (6) isolated stone artefacts, six (6) culturally modified trees and one (1) potential women's tree with an isolated artefact (EMM, 2023: v4). The majority of these sites were identified on alluvial plains with some identified in close proximity to a watercourse.

6. ABORIGINAL HERITAGE INFORMATION MANAGEMENT SYSTEM

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 October 2024 which included and extensive search of the development site and surrounding landscape. The parameters of the search are identified below in **Table 5**.

Table 5 – Extensive AHIMS search results

Extensive Search	Datum	Coordinates Latitude – Longitude	Number of sites
[redacted]	[redacted]	[redacted]	[redacted]

Heritage NSW-lists 20 standard site features that can be used to describe a site registered with AHIMS, and more than one feature can be used for each site. Site types include artefacts, including isolated finds or artefact scatters, open campsites, heaths, burials, modified trees (carved or scarred), ceremonial sites and more.

THIS INFORMATION HAS BEEN REMOVED FOR ISSUE INTO THE PUBLIC DOMAIN

The AHIMS search results are provided in **Appendix A**.

Figure 7 – Aboriginal Sites in the Locality

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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 site 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 outlined in **Table 6**.

Table 6 – ASDST Pre-1750 Models V7.5 (2020) Results

Site Type	Likelihood of Prevalence (0-999)	Likelihood of Prevalence (%)
All combined features	516/999	51.7%
Artefact	97/999	9.7%
Burial sites	121/999	12.1%
Grinding grooves	12/999	1.2%
Hearths	516/999	51.7%
Rock art	8/999	0.8%
Stone quarries	199/999	19.9%
Scarred trees	401/999	40.1%
Western mounds and shell	275/999	27.5%

Overall, according to the ASDST modelling, there is a 51.7% likelihood of Aboriginal sites being located within the development site prior to the European colonisation of the region. The database has similarly identified that hearths and scarred trees were the most likely site type across the area pre-1750 with a 51.7% likelihood and 40.1% likelihood of existing, respectively.

The ASDST V.74 (2020) Model details the likelihood of site types being identified on the site post-1750. A summary of this data has been shown in **Table 7**.

Table 7 – ASDST Post-1750 Models V7.5 (2020) Results

Site Type	Likelihood of Prevalence (0-999)	Likelihood of Prevalence (%)
All combined features	143/999	14.3%
Artefact	39/999	3.9%
Burial sites	12/999	1.2%
Grinding grooves	8/999	0.8%
Hearths	2/999	0.5%
Rock art	6/999	0.6%
Stone quarries	113/999	11.3%
Scarred trees	2/999	0.5%
Western mounds and shell	0/999	0%

As outlined in the results above, the evident clearing of land by European settlers has evidently reduced the likelihood of scarred trees and hearths being located within the development site with an overall likelihood of Aboriginal sites existing within the area having reduced to 14.3% from 51.7%. This is a direct reflection of the extensive agricultural and ground disturbance activities which have occurred across the wider region post 1750.

The ASDST modelling suggests that the most likely site type to be identified in the development site at the present time are stone quarries (11.3%) followed by artefacts (3.9%). 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 on site (if identified) may differ from these predictions, particularly in relation to stone quarries which are not likely to occur (regardless of ASDST data) as no watercourses run through the development site.

Physical landform attributes were assessed during the archaeological field survey using the predictive modelling as a guide.

7.1 Previously Recorded Sites

There are nil previously recorded sites located within the development area (refer **Section 6**). Further information on Aboriginal items in the region is provided through a summary of past archaeological assessments (refer **Section 5.2**).

Four (4) previously recorded culturally modified trees are recorded on the AHIMS database as being located approximately 9 to 10 km northeast of the site. These sites are situated within remnant woodland areas which are surrounded by agricultural land uses. No other site types have been identified within the wider context of the Finley BESS, however, they are likely to exist, particularly on land in proximity to natural watercourses.

7.2 Landform Modelling

Limited landform modelling for the Finley area suggests that although Aboriginal sites may be recorded in all landscapes, archaeological sensitive areas are most likely to occur in close proximity to water in correlation with the availability of natural raw material resources. There are no such water sources at or within proximity to the development site which may suggest potential Aboriginal occupation. However, Aboriginal people in all regions moved throughout the landscape and utilised different resources.

A predictive model has been developed based on previous archaeological assessments and the location and site type of previously recorded objects (refer **Section 7.3**). Overall, the majority of Aboriginal sites recorded in the wider context of the development site were identified on alluvial plains or within close proximity to a river or creek. Similarly, the majority of these sites were found on flat landforms while some were documented as occurring on terrace landform features. For example, the Tuppal Creek located approximately 25 km southwest of the development area contains sensitive landform features including a natural water source with Aboriginal sites previously discovered in proximity.

The subject site does not contain any of the above-mentioned sensitive landforms and instead, is characterised as a flat, cleared landscape containing no natural watercourses or high densities of remnant vegetation. Therefore, is not considered likely to have been utilised as a long-term Aboriginal occupation site.

7.3 Predictive Modelling

A detailed assessment of site types and their likelihood of existing within the development site is provided below.

7.3.1 ISOLATED FINDS

Isolated finds are present across the broader 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 previously been identified in the surrounding landscape in alluvial, flat landform features, however a lower density of this site type can be observed in the region in comparison to hearths, artefact scatters or culturally modified trees. Overall, isolated finds can occur anywhere, particularly within disturbed contexts, and therefore, there is potential for an isolated find to be recorded within the development site and across the Finley region.

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 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 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 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 sites, mostly camp sites evidenced by open artefact scatters.

Overall, artefact scatters are generally located within proximity to a watercourses, with low levels of ground disturbance. Due to the high levels of ground disturbance across the site from intensive 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, however it is considered a low likelihood as there are no natural watercourses located in proximity.

7.3.3 ABORIGINAL SCARRED/CARVED AND MODIFIED 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 uses including as a raw material for manufacture of tools, weapons and vessels and was also used for building materials for shelters or for transport such as canoes.

Four (4) previously recorded culturally modified trees have been identified approximately 9 – 10 km northeast of the development site in remnant woodland areas. Significant tree clearing has occurred across the Finley area including Lot 3 DP740920 which only contains five (5) remnant mature trees which have the potential to present signs of culturally scarring. Aerial imagery confirms that vegetation located within Lot B DP961693 around the Substation were planted post 1978 and are therefore not considered mature or likely to contain culturally scarring.

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 development site as no rock outcrops exist in this landform.

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.

None of these landscape features exist within the development site. The site remains relatively flat and has been subject to extensive ground disturbance through laser grading cropping and ploughing and modified landscapes through creation of irrigation channels, roads and substation infrastructure. There are no known burial sites in the surrounding landscape, therefore the likelihood of burial mounds being identified is low.

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.

This 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 development area.

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 waterways, sandstone or granite formations within the development site, it is unlikely that this site type will be identified.

7.3.8 SUMMARY

In summary, predictive modelling of the surrounding landforms suggests that that there is a low likelihood of Aboriginal objects being identified within the development site. However, the five (5) remnant native trees located within Lot 3 DP740920 should be assessed during the site inspection as there is a low to moderate likelihood that these contain signs of cultural scarring. Additionally, extensive ground disturbance through cropping and ploughing activities have the potential to have brought artefacts to the surface of the site, although, this is considered a low likelihood due to the proximity for the development site from a watercourse or other sensitive landform features.

8. ARCHAEOLOGICAL SURVEY

An archaeological survey was undertaken on 15 January 2025. The survey was undertaken by Premise Archaeologist Latisha Ryall who was accompanied by the following RAP groups:

- [redacted]
- [redacted]
- [redacted]
- [redacted]

The archaeological survey covered a much larger area (approximately 23.58 ha) based on the 'development site' parameters at the time the field assessment was undertaken, however the project has since been refined. Survey tracks undertaken by the premise archaeologist are shown in **Figure 8**.

The survey area as discussed in this ACHAR is approximately 12.37 ha, which includes a 10 m buffer applied to the development site area (10.45 ha).

8.1 Survey Methodology

As defined in **Section 3.3** a survey methodology was prepared for the Finley BESS project and issued to RAPS on 22 November 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 site 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 area, should the project proceed.

8.2 Survey Aims and Objectives

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

The main objective of the archaeological field survey was to:

- Assess the Aboriginal archaeological values of the development site in accordance with the Code of Practice including soil and landscape attributes;
- Undertake the survey in accordance with the SEARS requirements including impacts from any proposed earthworks, construction works, and road works;
- 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.

The landform context is discussed in **Sections 4** and **8.4**. Survey units are discussed in **Section 8.3**.

8.3 Survey Results

The survey was undertaken in accordance with the survey methodology issued through the consultation process.

The survey was undertaken through pedestrian and vehicle transects using ArcGIS field maps via (Apple iPad), traversing the area of proposed impact Predefined transects (10 in total) were followed during the survey. Surveyors were spaced at a maximum of 2-5 m apart across the transect survey areas, noting six surveyors in total across the landscape. A photographic record was kept of the landform elements, disturbance of the site and ground conditions. As discussed, the survey covered a much larger area, however the survey coverage has been calculated on 12.37 ha.

The archaeological survey was broken down into three Survey Unit (SU) areas, with one landform type observed across the entirety of the site, characterised by 'Flats'. The survey included areas located across Lot 3 DP740920, Broockmanns Road, Canalla Road and the intersection area along the Riverina Highway and within the land hosting the Finley Substation (Lot B DP961693). It was noted that Lot 3 DP740920 had been recently laser graded.

The survey traversed predefined transects in a north south direction covering the proposed development impact area on the southern portion of Lot 3 DP740920. The survey also traversed a portion along Canalla Road on the western boundary of the site and extending north to the Riverina Highway as well as areas along Broockmanns Road to assess the proposed access point and connection point between Lot 3 DP740920 and Lot B DP961693.

The survey considered all areas where impacts would likely to occur as part of the proposed development including transmission line connection routes and road access and egress points. More informal survey methods were used within the road corridors and within Lot B DP961693 where safety measures and the commonsense approach outweighed following a predefined transect approach. At the time of survey,

weather conditions were fair with no impacts to visibility. Slight rainfall and lightning occurring in the afternoon, therefore being in close proximity to the electrical substation, safety precautions increased.

Survey transects were modified slightly to maximise visibility across the site. This included utilising drainage line exposures, high erosion areas and other moderate visibility locations where they were encountered along the Mulwala Channel and along animal and vehicle tracks.

Lower visibility was encountered along the road corridors and associated drainage easements where the landform had been modified. This was also observed around the substation infrastructure in Lot B DP961693.

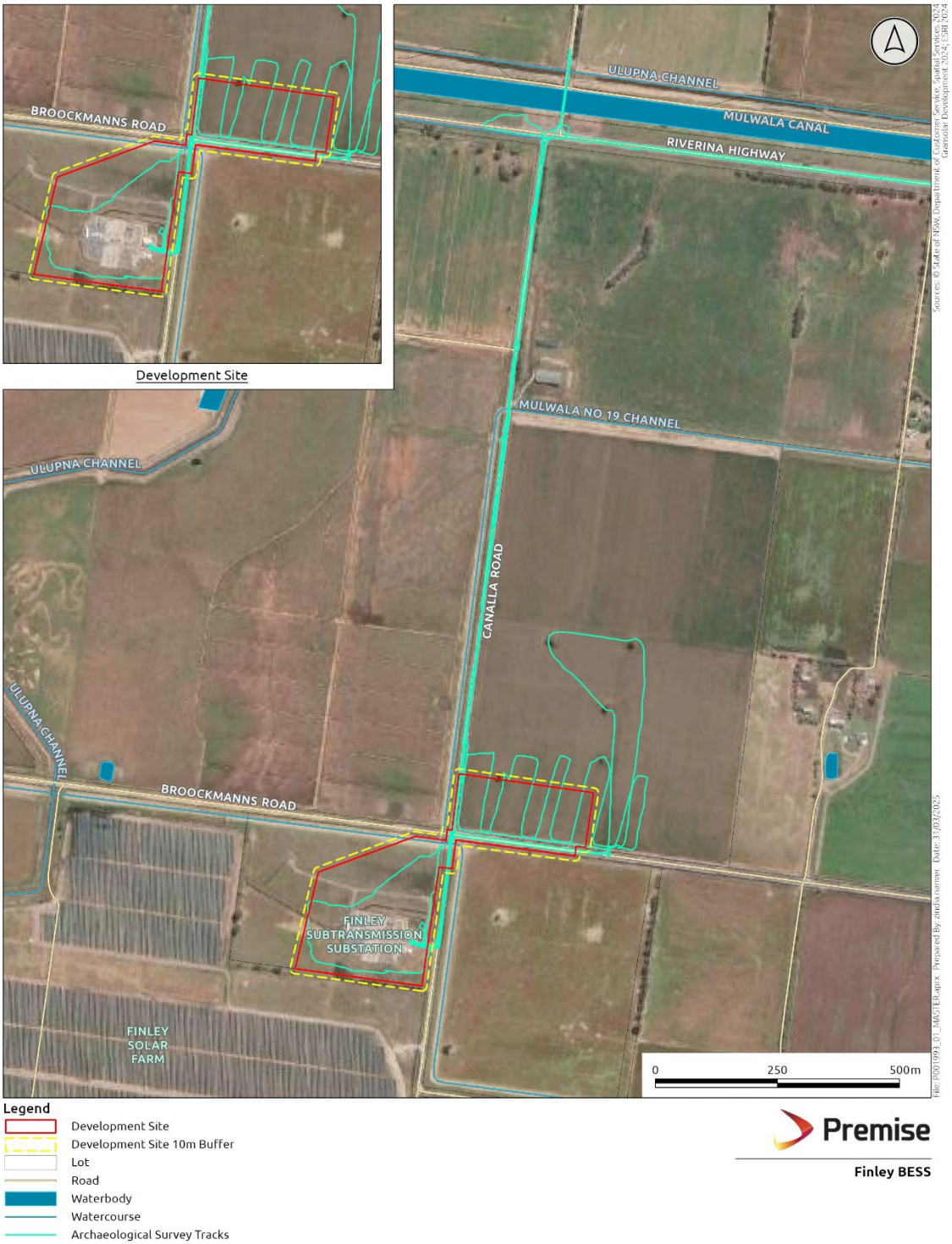
Several manmade drainage lines are located along the road easements of Broockmanns Road and within Lot 3 DP740920 and Lot B DP961693. These drainage lines are not sensitive and are unnatural landforms.

During the archaeological survey, nil archaeological material was recorded. However, cultural knowledge of the broader Finley region was provided by RAP representatives. No concerns with the proposed development were raised during this period.

Overall, the development site has been heavily modified through historical agriculture use as well as the construction of roads and electrical infrastructure associated with the Finley Substation and nearby Finley Solar Farm. Disturbance has also occurred through the creation of the Mulwala No19 channel. The survey did not indicate a high potential for archaeological significance in the proposed development site.

The archaeological survey area, showing survey tracks is shown in **Figure 8**.

Figure 8 – Archaeological Survey Tracks



8.4 Landforms Likely to Preserve Archaeological Deposits

The development site is located within land which has been heavily disturbed and subject to extensive agricultural cropping and clearing of natural vegetation. Further disturbance across the landscape has occurred through the development of infrastructure, including permanent transmission lines and power poles across Lot 3 DP740920, the TransGrid substation to the south west in Lot B DP961693 and through the development of the surrounding road network.

There are nil landform units located within the development site that are likely to contain archaeological deposits. The entirety of the survey area was considered a 'flat' landform with very little differentiation in natural topography or elevation, with modifications observed across all survey units.

8.5 Survey Unit Areas

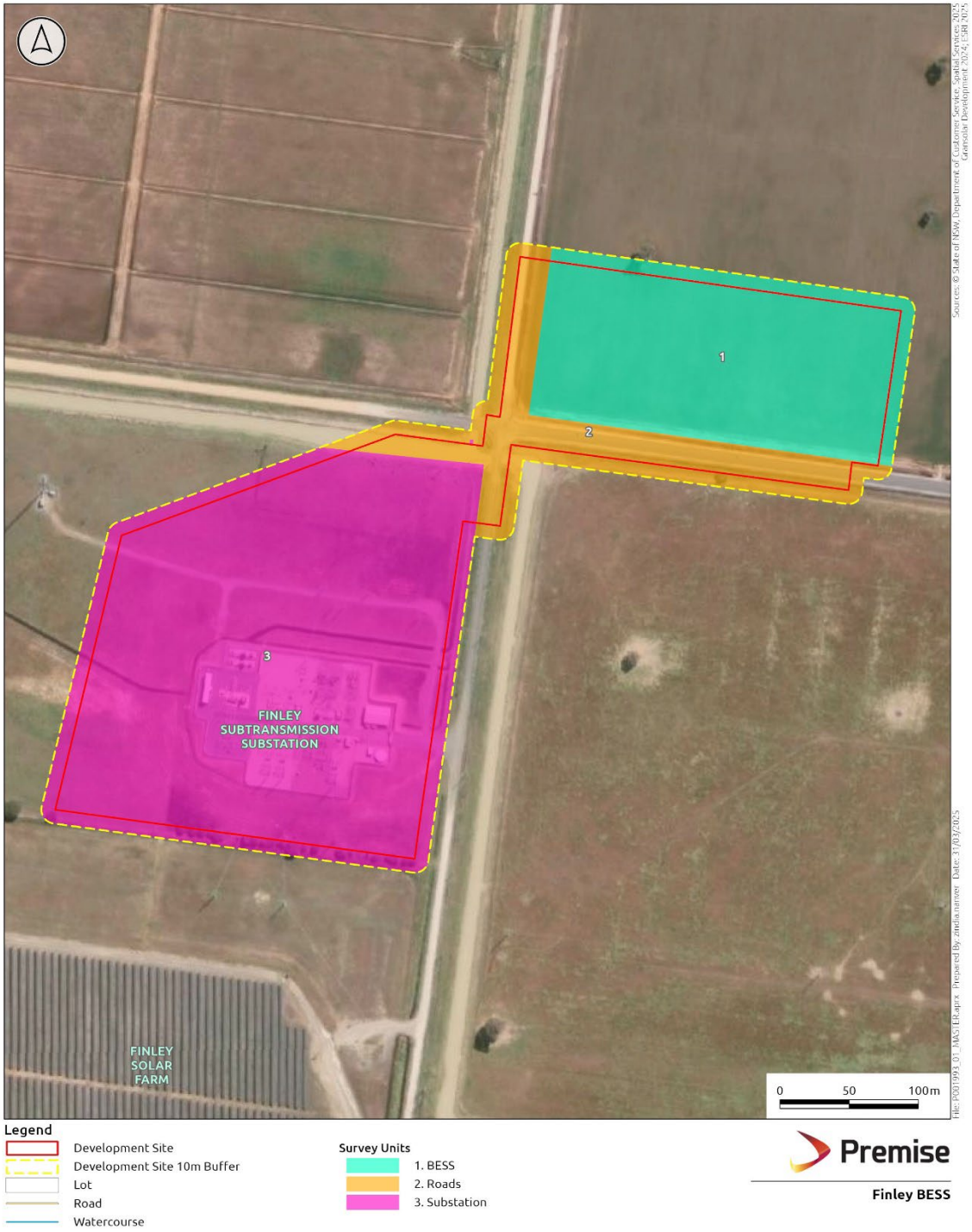
The archaeological survey was broken down into three Survey Unit (SU) areas:

1. Lot 3 DP740920
2. Roads (Canalla and Broockmanns Road)
3. Lot B DP961693 (the Transgrid substation)

Survey units are shown in **Figure 9**. One landform type was associated with all three survey units, characterised by 'Flats'.

Overall, the survey coverage area for this assessment was 12.37 ha.

Figure 9 – Survey Units



8.5.1 SURVEY UNIT 1 – LOT 3 DP740920

Survey Unit 1 (SU1) consists of the southern portion of Lot 3 DP740920.

SU1 is a relatively flat landform with minimal differentiation between north, south east and west elevations. SU1 is bound by Broockmanns Road in the south and Canalla Road in the west. Access to the site is provided via a rural farm gate on Broockmanns Road. Introduced white quartz gravels are located in this area and were also observed scattered across this survey unit.

SU1 is representative of fenced, cropped agricultural land, devoid of most vegetation. Five mature trees are located across the entirety of Lot 3 DP740920, with two trees located within the development site as shown on **Figure 9**. However, all trees were checked for cultural modification with nil attributes identified. Species type included Yellow and Grey Box.

Soil profiles observed across the entirety of SU1 included dry brown cracking clays. Evidence of baked clay was spread across the site, however represented a manufactured composition rather than culturally modified material associated with the presence of hearths. Orange soils were observed on modified drainage embankments located on the southern boundary. No raw stone material was observed.

Overhead transmission line infrastructure had been established on the western boundary of SU1.

Overall ground visibility in SU1 was moderate, with higher visibility observed along the drainage bank on the southern boundary, along fence lines and the access point and at the base of mature trees. High visibility could be seen across the landscape with the recent crop activities revealing soil exposures.

In total approximately 3.24 ha (32,400m^2) of this landform type was surveyed with 63.9% effective survey coverage.

Figure 10 – SU1 view north west

Figure 11 – SU1 view south

Figure 12 – SU1 South boundary access and drainage

Figure 13 – SU1 ground visibility laser graded crop

Figure 14 – SU1 dry cracking clay soil profile

Figure 15 – SU1 western boundary view south

Figure 16 – SU1 view south east

Figure 17 – SU1 view north

8.5.2 SURVEY UNIT 2 – ACCESS ROADS AND ROUTE CONNECTIONS

Survey Unit 2 (SU2) consists of a relatively flat landform associated with the Canalla Road and Broockmanns Road. SU2 consists of both sealed and unsealed roads, with overall low visibility and modified landscapes. Overall ground visibility was low for SU2.

The survey area along Broockmanns Road consisted of a semi-disturbed context with construction and grading of the bitumen sealed road and dense vegetation along the road easement. Canalla Road is mostly unsealed, transitioning to a bitumen sealed road at the intersection point with the Riverina Highway.

Cleared vegetation was observed on the eastern side of Canalla Road, where electrical infrastructure was located. Dense vegetation aligned the western side, adjacent to verge adjacent to the Ulupna channel. The soil profile along this area consisted of orange and brown clay soils with a mix of introduced gravel fills. This area was characterised as being highly disturbed with low to moderate levels of ground visibility and exposure. Where areas of exposure occurred, ground visibility dramatically increased.

Areas of ground exposure increased along road corridors where erosion has occurred, or through eroded patches.

In total approximately 1.69 ha (16,900m^2) of this landform type was surveyed with 24.3% effective survey coverage.

Figure 18 – Broockmanns Road view east

Figure 19 – Broockmanns Road access to BESS

Figure 20 – Canalla Road view south

Figure 21 – Canalla Road view north

Figure 22 – Canalla/Broockmanns Road intersection view south west

Figure 23 – Canalla/Broockmanns Road intersection view north

8.5.3 SURVEY UNIT 3 – LOT B DP961693

Survey Unit 3 (SU3) consists of a modified landscape associated with the land hosting the existing substation on Lot B DP961693. This survey unit was generally flat however, unnatural profiles were observed across the majority of the survey area with introduced gravels and spoil heaps located at the western extent.

SU3 was covered by dense grass coverage and infrastructure. Areas with higher exposure were located on stock and vehicle access tracks, and the banks of the Mulwala No. 19 channel located on the northern boundary. Soil profiles included orange and brown clays. Overall there was limited visibility in this area with dense vegetation coverage in the easements and electricity infrastructure with the substation.

In total approximately 7.44 ha (74,400m^2) of this landform type was surveyed with 24.1% effective survey coverage.

Figure 24 – SU3 view south west

Figure 25 – SU2 view west showing gravels and fill

Figure 26 – Mulwala No. 19 Channel view north east

Figure 27 – SU3 transmission line infrastructure

8.6 Survey Coverage

A total of 12.37 ha was surveyed during the archaeological field survey. Noting that the total project impacts for the development are only approximately 3 ha. The survey focused on areas subject to impact 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 8** and **Table 9.** Most of the development site was subject to some level of disturbance through recent cropping activities and laser grading in Lot 3 DP740920 BESS, moderate to dense grass coverage along the road corridors and a modified unnatural landform associated with construction activities of the Finley substation in Lot B DP961693 and adjacent Finley Solar Farm.

Table 8 indicates that the absence of recordings made during the survey is reflective of the predictive modelling undertaken for this assessment and the low archaeological potential assigned to the development site. Overall there was a low survey efficacy due to low visibility across SU2 and SU3. However, there were moderate exposures within SU1 and along access tracks where the archaeological potential was greater.

Archaeological investigations in the region indicate that the flat landforms have a much lower artefact density when compared to landforms closer to permanent water sources along the Murray River or Tuppal Creek, or in 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, the available information suggests that large, significant sites are absent in the landforms that characterise most of the development site.

Table 8 – Survey Coverage

Survey Unit	Landform	SU area (ha)	Visibility %	Exposure %	Effective coverage area (ha)	Effective coverage %
1	Flat	3.24	75%	85%	2.07	63.9%
2	Flat	1.69	30%	80%	0.41	24.3%
3	Flat	7.44	40%	60%	1.79	24.1%

Table 9 – Landform Summary

Landform Unit	Landform area (ha)	Area effectively surveyed	% of landform effectively survey	Number of sites	Number of artefact features
Flat	12.37	4.27	34.5%	0	0

9. DISCUSSION

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

9.1 Ground Disturbance

Ground disturbance will occur predominately across Lot 3 DP740920 associated with construction of the BESS, with access road upgrades and ancillary infrastructure.

Based on historical records and during site survey it has been identified that the majority of the development site has been subject to extensive levels of ground disturbance associated with former and current pastoral activities. Ground disturbance has also occurred with the installation of infrastructure associated with the Finley Substation and the creation of road easements and drainage for Broockmanns and Canalla Roads and for the Riverina Highway intersection located to the north. Ground disturbance has also occurred for creation of the irrigation channels located within the immediate area and surrounding locality.

Within Lot 3 DP740920 most vegetation has been cleared and laser graded for crops. Within Lot B DP961693 the landform was heavily modified as a result of construction activities associated with the substation and adjacent Finley solar farm. Physical assessment revealed an unnatural profile and movement of intact landforms and introduced fills were observed. Existing overhead transmission line infrastructure runs north east south west across the eastern boundary of the lot.

The development site has also been relatively cleared of native vegetation. Drainage lines occurring in the area are contemporary and introduced. as an occurrence of historical modification, where water is fed from the surrounding irrigation channels. Ground disturbance and impacts to Aboriginal archaeology in the development site 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 site is based on the landform elements and predictive modelling discussed in **Section 7**, and also assessed through site investigations.

The study area consists of a relatively flat landform with high areas of exposure located on irrigated crops and along small drainage exposures, road easements and embankments associated with the irrigation channels.

There are no watercourses running through the study area or any farm dams, however, an irrigation channel is located to the south of Broockmanns Road, which is orientated east to west. This flat landscape, which is devoid of watercourses, was not likely to have been favoured landform features for long term occupation by Aboriginal people/s. More favoured areas for occupation would have been within closer proximity to the Murray River and its tributaries.

In areas where there is a high level of disturbance such as the study area which has been subject to extensive agricultural activities, it is unlikely that surface finds in these areas are in their original context. It is also unlikely that sub-surface archaeological deposits are intact due to extensive ground disturbance activities.

The archaeological potential is considered to be extremely low, therefore subsurface investigations are not warranted in this location.

10. ABORIGINAL CULTURAL HERITAGE ASSESSMENT

10.1 Methodology

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

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.

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 in **Table 10**.

Table 10 – Identified Social Values definition

Values	Definition
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.* *Social or cultural value can only be identified through consultation with Aboriginal people.*
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.*
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

An invitation to provide social and/or cultural values for the Finley 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 Finley BESS were also encouraged during the archaeological field survey.

No specific information was provided on the significance of the Finley BESS development site. However, discussions on site indicated the broader area is associated with the Bangerang dreaming creation story of Baiami.

Cultural values area also associated with the importance of initiation and ceremony with respect to both Men's & Women's business and the importance of knowledge sharing between elders passing down oral traditions and customs to the next generation.

The importance for Bangerang peoples are also reflected in the trees and rivers, most importantly the Murray River (*Dunggula)* and the River Red gums that align its banks.

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 Aboriginal people within the Finley locality and surrounds.

11.3 Identified Historic Values

Historic values specific to the Finley BESS investigation area are considered little and/or have yet to be identified. However, there has been no previous investigations which indicate that the development site has an association with a known individual or historical event.

11.4 Identified Scientific Values

The scientific values of the Finley BESS investigation area 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.

During the archaeological field survey no scientific values were identified.

Survey areas were assessed for their archaeological sensitivity based on previous archaeological research, topography, and prior land use. Previous Aboriginal settlement is unlikely in this area, it is considered that given the absence of natural waterways in the locality, this area would not have been a suitable long term occupation area. Whereas the creek valleys of Tuppal Creek, Billabong Creek and the larger Murray River systems located several kilometres away from the development site would have provided valuable resources to Aboriginal groups and presented long term occupation sites.

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.

The results from the archaeological field survey indicate that the development site has been assessed as having an overall low archaeological potential. No sensitive landforms were identified. Areas likely to contain subsurface archaeological deposits where conservation values are present are unlikely.

11.5 Identified Aesthetic Values

Identified aesthetic values observed during field work considered landscape use and form, noting that the aesthetic values may be closely linked with social values of the development site. Identified aesthetic values of the development site were not identified, however aesthetic values of the broader area are most likely associated with the Murray River system which is located outside of the assessment area.

There are no identified aesthetic values located in the impact area. Proposed impacts to existing roadway upgrades would not impact on any aesthetic values as this area has been disturbed through construction of the road, with road easements and drainage fills.

The development of the Finley BESS will cause moderate visual impacts to the site which has historically been utilised for irrigation cropping. The development site does not however, possess significant aesthetic values nor is it considered rare.

11.6 Social Values Investigation

No specific comment or feedback was provided through the consultation process on social values relevant to Finley BESS project. Opportunity to provide feedback was undertaken both on site during field work and through review of the ACHAR documentation.

It is noted that social values are important for identifying tangible and intangible heritage associated with Country, and knowledge sharing of elders past present and emerging.

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 site during the archaeological field survey undertaken in January 2025.

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 11**.

Table 11 – 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 site shows nil archaeological features or landscape features representing an overall very low representation of Aboriginal cultural significance.
	Integrity: The development site has undergone heavy modification through extensive land clearing for irrigated agricultural use. The archaeological deposit has likely been impacted through this activity which would likely result in the downward movement of artefacts. The archaeology of the subject site has been assigned as having a low level of 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 Murray River and Tuppal Creeks. The results of the current investigation indicates that groups of Aboriginal people were not using the area for long or short term occupation areas. as evidenced by the fact that the development site displays nil artefact material or landscape features.

Criteria	Significance
	The development site has been assigned a low level of complexity.
Archaeological Potential	There is a low potential for archaeological materials to be recorded at the development site due to high levels of land modification and the lack of materials identified during the site survey. If archaeological materials were identified in the future, they are likely to be of a low density.
Connectedness	No cultural materials were identified within the development site during the site survey, therefore no connectedness of physical material was evident.
Representativeness	No cultural materials were identified within the development site during the site survey.
Rarity	The development site is not identified as being rare and is consistent with nearby irrigated agricultural lots in the surrounding area. No cultural materials were identified within the development site.
Education Potential	No Aboriginal sites were identified within the development site which evidently provides no archaeological materials which may be used for educational purposes. The lack of Aboriginal sites does, however, allow for a more complex predictive model of Aboriginal sites across the region to be established. This includes the prediction of landform characteristics in which sites are not likely to occur.
Archaeological Landscapes	No archaeological materials were identified within the development site. Significant Aboriginal sites are located within in landscapes with particular frequencies along permanent water sources. The archaeological landscape will not be significantly altered if the development site is developed as planned.
Aesthetic Value	The development site has a low aesthetic value within the meaning attributed in a heritage assessment.
Historic Value	The development site in question is not directly associated with an 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. No evidence of Aboriginal occupation was identified within the development site.

12. IMPACT ASSESSMENT AND HERITAGE MANAGEMENT

12.1 Aboriginal Heritage Impact

This assessment has confirmed that there will be nil impacts to Aboriginal heritage or Aboriginal Cultural heritage values.

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 is has been situated.'*

This assessment has identified nil sites associated with the Finley BESS development. therefore, there are no known impacts to Aboriginal objects. However a chance finds protocol should be adopted for the project, as a precautionary approach.

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 site has been assessed as having nil to low archaeological sensitivity. No artefactual material was observed during the archaeological field survey, or within 200 m of the proposed development.

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 development 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 broader Berrigan region.

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

The development site has been defined as having little to no archaeological significance determined by the landform assessment in **Section 8.3** and in consultation with 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 identified in **Section 3.1**.

Any changes that may impact areas not assessed during the current study would require further investigation and result in changes to the recommended management and mitigation measures.

Following project approval, works can proceed without harm or further investigations.

13.3 No Further Investigation Required

This assessment has indicated that no further Aboriginal cultural heritage investigations are required. This is consistent with previous archaeological assessments undertaken in the immediate vicinity by RPS (2017) as part of the Finley Solar Farm development.

13.4 Chance Finds Protocol

An unexpected finds procedure now classified as a chance finds protocol would be implemented as part of the management considerations for Aboriginal Cultural Heritage.

The chance finds policy and/or protocol should be included as part of the Construction Environment Management Plan (CEMP) or similar to be developed for the project. 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 and the Cummeragunja LALC must be notified.
- If any unexpected find is suspected to be human remains work at the location must cease and the following authorities must be contacted immediately:
  - NSW Police – **Finley Police Station. Phone: (03) 5898 4860**
  - 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 (02) 9873 8500. Email: heritagemailbox@environment.nsw.gov.au**
- In the event that suspected human remains are found, 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 archaeological significance within the development site. 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 development site has had moderate to high levels of ground disturbance resulting from the clearance of vegetation for cropping activities, the implementation of irrigation infrastructure since the 1940s and development associated with the creation of roads and the substation facility, subsequently demonstrating low cultural sensitivity.

No previously recorded sites are located in the development site and no new sites or areas of subsurface potential within the Finley BESS area were identified. Potential impacts to social and cultural values of the development site have been investigated as part of the current ACHAR investigation for the proposed works and impacts to cultural heritage have been assessed as negligible (refer **Section 11.2**).

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 four previously recorded Aboriginal sites located within the broader landscape of the Finley region, approximately 9-10 km from the development site, therefore, the archaeological resource within the region will not be impacted by the proposed development and will continue to be available for investigation by future generations.

No impacts to social, cultural or aesthetic values of the Finley area have been identified through this ACHA.

14. CONCLUSIONS AND RECOMMENDATIONS

The Finley BESS development site did not reveal evidence of high intensive Aboriginal occupation or use of the landscape. However, the Murray Darling region was occupied by Aboriginal people within at least the last 40,000 years indicative from background research, and consultation undertaken in preparation of this ACHAR.

The development site has been assessed as having low archaeological potential, with nil artefactual material, sensitive landscapes or cultural modifications observed during the archaeological survey, which would be subject to proposed 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-72430958;
- The results of the background research, archaeological survey and assessment;
- Consultation with RAPs; and
- The likely impacts of the proposed development.

In summary it was found that:

- No Aboriginal sites/places are recorded in the development site.
- No newly recorded Aboriginal sites were recorded during the archaeological survey.
- The development site is considered to have been subject to moderate levels of disturbance through historical irrigated cropping, infrastructure and road construction.
- The development site demonstrates extremely low archaeological potential.

14.1 Recommendations

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 Finley BESS CEMP.
3. All impacts must remain within the assessed development site or further archaeological investigation may be required.

15. REFERENCES

Aussie Towns (n.d). *Finely, NSW.* Accessed: https://www.aussietowns.com.au/town/finley-nsw

Berrigan Heritage Committee (2006). *Berrigan Shire Council Centenary 1906 – 2006,* prepared in co-operation with Berrigan Shire Council, Marney Dalgliesh, Ian Fuzzard and Clerk Ernie Davis,

Deadly Story Maloga Mission/Cummeragunja Station accessed via https://deadlystory.com/

Edmonds. V (1996). *An Archaeological Survey of the Proposed Stage II Levee Banks and Borrow Pits at Deniliquin, South-Western NSW.*

EMM (2023). *Dinawan Solar Farm Aboriginal Cultural Heritage Assessment,* prepared for Spark Renewables.

Hill. J (2015). *Gee Gee Bridge Replacement Project, South-West New South Wales,* Appendix J Aboriginal Archaeological Survey Report for Wakool Shire Council.

HLRV (n.d.). *Historical Lands Record Viewer,* Spatial Services, Department of Customer Service. Accessed: https://portal.spatial.nsw.gov.au/portal/apps/webappviewer/index.html?id=f7c215b873864d44bccddda8075238cb

Jacobs (2022). *Aboriginal Cultural Heritage Assessment Report: Yanco Delta Wind Farm,* prepared for Virya Energy.

Kemp. D (2004). *Nangunia Homestead Berrigan NSW Conservation Management Plan,* prepared for Warrick and Helen Ashby.

NSW National Parks and Wildlife Services (NSW NPWS) (2003). *The Bioregions of New South Wales: their biodiversity, conservation and history.*

Premise (2023). *Aboriginal Heritage Due Diligence Assessment for proposed NSW Telco Upgrades,* prepared for NSW Telco Authority.

SMH (2008). *Finley – Culture and History.* Accessed online at https://www.smh.com.au/traveller/inspiration/finley-culture-and-history-20081118-6a6p.html

South Australian Museum (2023). *Pangerang (VIC),* accessed online at https://www.samuseum.sa.gov.au/collection/archives/language_groups/pangerang

State Library New South Wales (nd). *Hume and Hovell.* Accessed online at https://www.sl.nsw.gov.au/stories/hume-and-hovell

Tindale. N (1974). Aboriginal Tribes of Australia: *Their Terrain, Environmental Controls, Distribution, Limits, and Proper Names*, Australian National University Press, Canberra.

YYNAC (2022). *Yorta Yorta Country*, accessed online at https://yynac.com.au/yorta-yorta-country/

APPENDIX A

AHIMS Search Results

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APPENDIX B

SEARS

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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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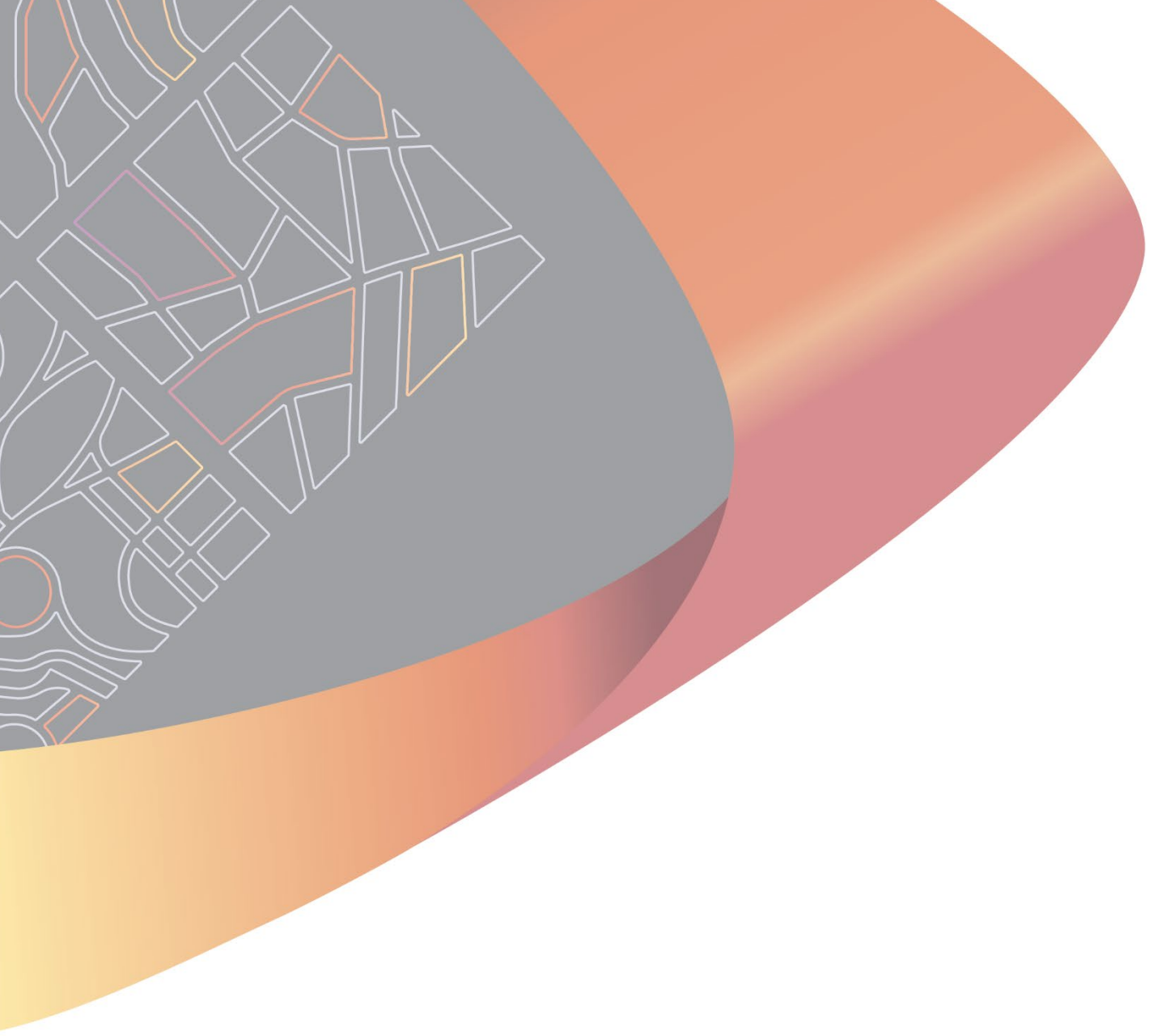

Premise