Appendix G

Aboriginal Cultural Heritage Assessment Report

DARLINGTON POINT SOLAR FARM

DARLINGTON POINT, NSW

Aboriginal Cultural Heritage Assessment

Prepared for Arup
on behalf of Edify Energy Pty Ltd

Murrumbidgee Shire Local Government Area

March 2018

Ref. 1635

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Executive Summary

Edify Energy Pty Ltd proposes to develop, construct and operate a large-scale solar farm on the eastern side of Donald Ross Drive at Darlington Point. The Darlington Point Solar Farm has the potential to accommodate up to 275 megawatts alternating current of solar generated electricity and would connect to the adjacent TransGrid Darlington Point 330 kV substation and supply power via the National Electricity Market.

The project is State Significant Development (SSD 8392) and subject to approval under Part 5.1 of the *Environmental Planning and Assessment Act 1979*. Department of Planning and Environment approval would be required prior to any harm to Aboriginal objects. Impacts to Aboriginal heritage will be assessed in accordance with Secretary's Environmental Assessment Requirements (SEARs). To support an application for project approval, Arup on behalf of Edify Energy Pty Ltd is preparing an Environmental Impact Statement and has also undertaken additional Aboriginal heritage assessment and Aboriginal community consultation for the project.

Kelleher Nightingale Consulting Pty Ltd was engaged by Arup on behalf of Edify Energy to to prepare an Aboriginal cultural heritage assessment report (CHAR) for the proposed development area. The CHAR has been prepared in accordance with the SEARs, Office of Environment and Heritage (OEH) *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wale* and OEH *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

Aboriginal archaeological assessment identified 10 Aboriginal archaeological sites within the study area. The sites comprised four culturally modified trees, one possible culturally modified tree, one cluster of five culturally modified trees and a possible Aboriginal hearth/oven, one probable Aboriginal hearth/oven and a possible culturally modified tree, one possible Aboriginal hearth/oven, and one surface artefact scatter.

Early identification of Aboriginal heritage and archaeological sensitive areas (remnant vegetation) during the archaeological assessment process resulted in the avoidance of impact to nine Aboriginal archaeological sites. One Aboriginal archaeological site remains located within proposed impact area: Tubbo AFT 01. Impact to this site is unavoidable due to the scale of the project and requirements for the proposal.

Archaeological significance of the identified Aboriginal sites was defined by the information exhibited by each site. The archaeological significance of Tubbo AFT 01 was determined to be moderate due to the sites location. Due to the absence of subsurface archaeological deposit at Tubbo AFT 01, a mitigation program comprising the collection of surface artefacts will be required undertaken prior to any activities which may harm Aboriginal objects at the site location.

Project approval is required before impacting the Aboriginal objects/site identified within the proposed impact area.

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1 Introduction

1.1 Proponent and consultants

Edify Energy Pty Ltd (Edify Energy) proposes to develop, construct and operate a large-scale solar farm on the eastern side of Donald Ross Drive at Darlington Point. The Darlington Point Solar Farm (DPSF) has the potential to accommodate up to 275 megawatts (MW) alternating current (AC) of solar generated electricity and would connect to the adjacent TransGrid Darlington Point 330 kV substation and supply power via the National Electricity Market.

The project is State Significant Development (SSD 8392) and subject to approval under Part 5.1 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Department of Planning and Environment (DP&E) approval would be required prior to any harm to Aboriginal objects. Impacts to Aboriginal heritage will be assessed in accordance with Secretary's Environmental Assessment Requirements (SEARs). To support an application for project approval, Edify Energy Pty Ltd is preparing an Environmental Impact Statement (EIS) and has also undertaken additional Aboriginal heritage assessment for the project.

Kelleher Nightingale Consulting Pty Ltd (KNC) was engaged by Arup on behalf of Edify Energy to to prepare an Aboriginal cultural heritage assessment report (CHAR) for the proposed development area. The CHAR has been prepared in accordance with the SEARs, Office of Environment and Heritage (OEH) *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wale* and OEH *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

1.2 Location and scope of activity

The proposed development area is located approximately 7.5 kilometres south east of the township of Darlington Point within the Murrumbidgee Shire Local Government Area (LGA) (Figure 1). The study area encompasses an area of approximately 1,050 hectares on the eastern side of Donald Ross Drive and comprises Lot 160 of DP 821551, Lots 41, 42 and 64 of DP 750903, Lot 2 of DP 542215 and Lots 18, 35 and 36 of DP 750903.

The proposed site has the potential to accommodate up to 275 MW (AC) of solar generated electricity, including the provision for battery technology for energy storage system (BESS) and resupply during peak demand (Figure 2).

A detailed infrastructure layout will be developed following the completion of further environmental and technical investigations, however key features of the DPSF would include:

- Photovoltaic (PV) solar panels
- Steel mounting frames with piled foundations
- A single-axis tracking system
- Direct current (DC) / alternating current (AC) inverter stations
- Medium voltage electrical reticulation network (it should be noted that Edify Energy may seek to run a new overhead 33kV transmission line from the far eastern end of the site to the new switchyard. An overhead line in this area will minimise the need for cable trenching and ground disturbance).
- A 33/132kV switchyard and internal switchroom
- A battery energy storage system (BESS) facility, consisting of individual power pack cubicles or skid-mounted/containerised power packs and modular inverters and MV transformers, including a connection to the above switchyard
- Internal access tracks for operational maintenance and housekeeping
- Security fencing
- Staff car park and small amenities building

The DPSF would consist of a number of solar arrays comprising PV solar panels mounted on frames with a single-axis tracking system to follow the sun and optimise energy generation. The arrays would be arranged in a series of long rows. The rows would be arranged in a north-south alignment and would interconnect to form blocks of circa 5.5 MW (AC). Each block would contain an inverter station, comprising an inverter and a transformer, to convert DC to AC and step up the output voltage level. Electrical connections would be constructed between the arrays as well as to associated protection and monitoring equipment and central inverters. The steel mounting frames and inverter stations would be installed on piles and sit above ground level and design flood levels. This would also ensure retention of existing grassland and habitats.

The DPSF would connect into the TransGrid 132 kV power infrastructure and would supply electricity as part of the NEM. A new 33/132kV switchyard, comprising of one or more 33/132kV transformers, switchgear, metering, protection and communications infrastructure would be constructed adjacent to the TransGrid substation and connect via augmentation to the existing TransGrid 132kV overhead gantry. Works within the TransGrid substation could include installation of an additional 132/330 kV transformer, switchgear and extension to the 132kV bus-bar. Any augmentation works to the TransGrid Darlington Point substation would occur within the current TransGrid substation fence boundary and/or on the adjacent land to be owned by Edify Energy.

1.3 Project requirements

This CHAR addresses the Aboriginal heritage requirements identified in the project SEARs. The objectives of the CHAR combine Aboriginal community consultation with an archaeological investigation in accordance with:

- Secretary's environmental assessment requirements;
- *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (OEH 2010); and
- *Aboriginal cultural heritage consultation requirements for proponents 2010* (OEH 2010).

Aboriginal cultural heritage assessment for the project was designed to meet the SEARs. This included:

- Assessment of impacts to Aboriginal heritage (both cultural and archaeological significance);
- Consultation with Aboriginal communities to assess impacts and develop mitigation measures;

Specific requirements of the SEARs are outlined in the table below.

Table 1. SEARs for Aboriginal heritage

Secretary's Environmental Assessment Requirements	Where addressed in this document
Special Issues – Heritage: including an assessment of the likely Aboriginal and historic heritage (cultural and archaeological) impacts of the development, including adequate consultation with the local Aboriginal community;	Assessment in sections 4, 5, 7, 8 and 9 Aboriginal community consultation in section 6
Consultation: During the preparation of the EIS, you should consult with relevant local, State or Commonwealth Government authorities, infrastructure and service providers, community groups, affected landowners, exploration licence holders, quarry operators and mineral title holders. In particular, you must undertake detailed consultation with affected landowners surrounding the development and Murrumbidgee Shire Council. The EIS must describe the consultation that was carried out, identify the issues raised during this consultation, and explain how these issues have been addressed in the EIS.	Aboriginal community consultation in section 6

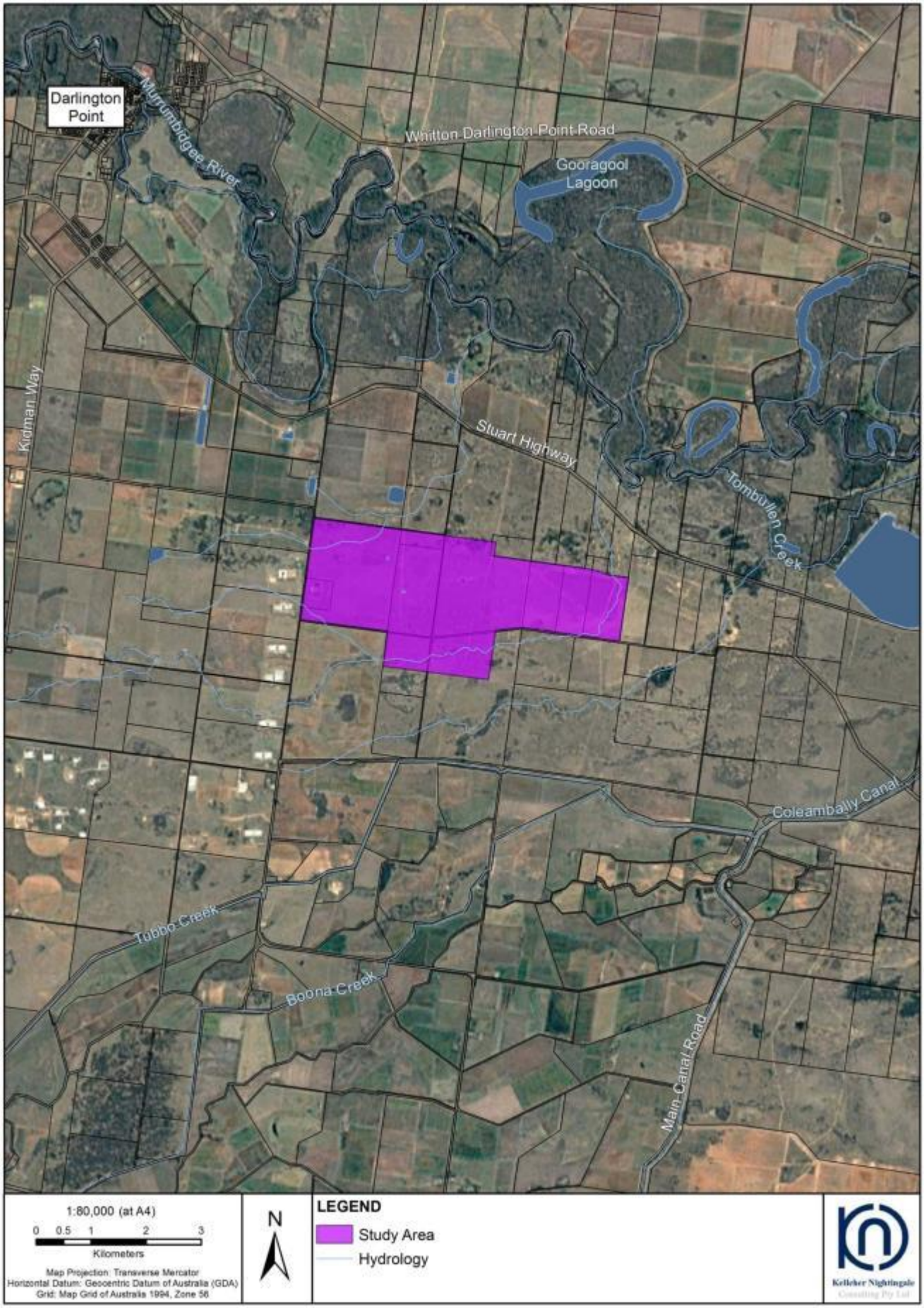

Figure 1. Location of the study area

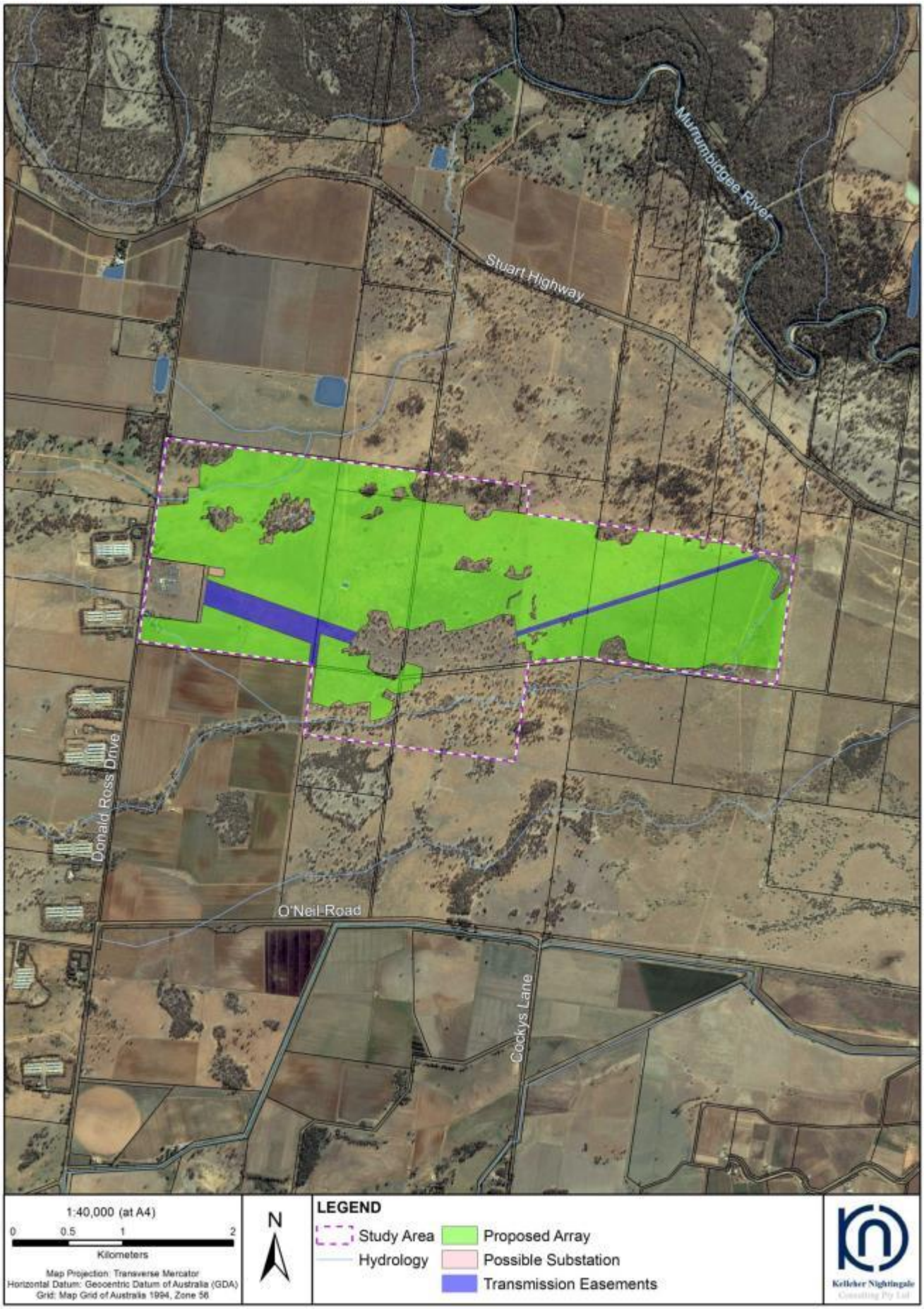

Figure 2. Study area and proposed impact areas

2 Landscape Context

The study area is located on the Riverine Plain, the eastern geomorphic subdivision of the Murray Basin that encompasses an area of 77,000 square kilometres. The Riverine Plain is characterised by almost flat topography with extremely low gradients which is traversed by several major rivers and their tributaries that flow from the east and south. The Murray Basin is a large low lying intracratonic basin containing Cainozoic unconsolidated sediments and sedimentary rocks that extends across south western New South Wales, north western Victoria and south eastern South Australia.

The study area is situated on the flat and open depression landforms which form a large plain adjacent to the Murrumbidgee River. The study area contains several minor drainage lines which flow into the Murrumbidgee River approximately 2.8 kilometres to the north east. The landforms of the Riverine Plain formed as a result of changes to the river systems during the Pleistocene and Holocene periods. The present day Murrumbidgee River is a narrow, incised and sinuous watercourse that transports small quantities of sediment; however, traces of old aggraded and abandoned river channels, known as palaeochannels, are present on the adjacent plains (Schumm 1968: 1). Palaeochannels are characterised by wide channels of sand that formed over four phases over the last full glacial cycle and demonstrate that between 105,000 and 13,000 years ago, the rivers in the region were generally larger and carried a greater portion of sediment than the present day rivers (Page 1994: 158). Archaeologically, the changing location and nature of permanent water sources across the Riverine Plain would have affected the location of associated resources and focal points for past Aboriginal occupation sites.

The underlying geology of the study area consists of Shepparton Formation which formed in a fluvio-lacustrine environment between the Pleistocene and Holocene (Figure 3). The Shepparton Formation consists of unconsolidated to poorly consolidated variegated and mottled clay, silt, silty clay, with intercalated lenses of fine to coarse sand and gravel. The formation has been partially modified by pedogenesis and groundwater table fluctuation.

The soils within the study area are predominantly black vertosols with an area of red chromosols in the north west (Figure 3). Vertosols are characterised by soils with a high clay content that have the potential for cracking and slickensides. Black vertosols are found in imperfectly drained areas with rainfall up to 1150 millimetres. Red chromosols are charactered by strongly contrasting textural B horizion and are found in well drained areas with rainfall between 350 millimetres and 1400 millimetres. Archaeologically, vertosols are prone to frequent subsurface movement due to cracking and it is unlikely that intact archaeological deposits would occur within these soils. Intact subsurface archaeological deposits may occur within red chromosols where gradient is low and the landform has not been disturbed.

The landscape of the study area has been modified by modern land use practices. European land use within study area has primarily been related to pastoral activities and has resulted in the clearance of native vegetation and construction of several access tracks, fence lines and dams. More recently, an electrical substation has been constructed in the south western portion of the study area and several above ground power lines have been constructed. Large areas of remnant native woodland remains within the southern and northern portions of the study area while smaller clusters of remnant native woodland remain along the eastern and western boundaries.

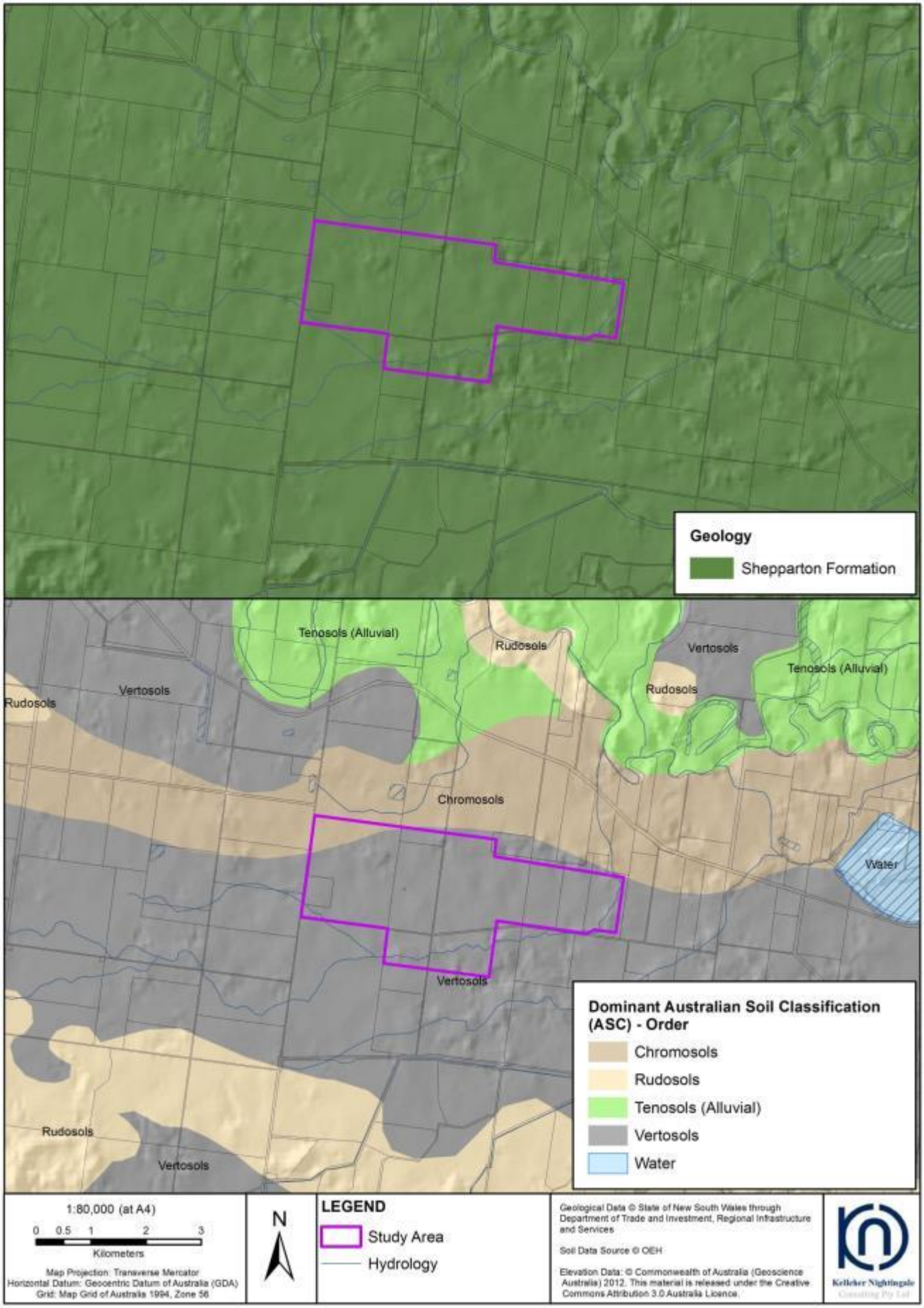

Figure 3. Geology and soil landscapes of study area

3 Ethnohistoric context

Historic accounts of the Indigenous inhabitants of the region provide an insight into Aboriginal life at the time of initial European exploration and settlement. The study area lies within a landscape which was important to, and frequently used by, past Aboriginal peoples. Aboriginal people living across the Riverina region of NSW at the time of first European contact were distinguished by various language groups. These communities included the Wiradjuri, Nari-Nari, Mudi-Mudi, Gurendji and the Yida-Yida, while the Bangerang, Yorta-Yorta, Baraba-Baraba, Wamba-Wamba, Wadi-Wadi and Dadi-Dadi communities were found along the Murray River (NPWS NSW 2003:95).

The study area lies in a landscape traditionally considered the province of peoples of the Wiradjuri language group. Within this broad language group were various dialects spoken across territorial ranges. People appear to have been organised into economic units of small residential groups or 'bands' who had an association with certain areas of land and spoke the same dialect of language. Most European attempts at mapping the fluid and intangible boundaries of these language groups (notably Tindale 1974) place the current study area near the eastern extent of the Wiradjuri range. Tindale (1974) described the Wiradjuri language area as "on the Lachlan River and south from Condobolin to Booligal; at Carrathool, Wagga-Wagga, Cootamundra, Cowra, Parkes, Trundle; east to Gundagai, Boorowa, and Rylstone; at Wellington, Mudgee, Bathurst, and Carcoar; west along Billabong Creek to beyond Mossgiel; southwest to near Hay and Narrandera; south to Howlong on upper Murray; at Albury and east to about Tumbarumba. They visited Yass for ceremonies with the Ngunawal tribe".

Wiradjuri was one of the largest tribal groupings in Australia, with many smaller subgroups. Tindale (1974:201) quotes anthropologist A. W. Howitt's lists, with specific tribal groupings between Yass and Hay including the Narrandera (prickly lizard), Cootamundra (Kuta-mundra) from kutamun turtle, and Murranbulla or Murring-bulle (maring-bula, two bark canoes) among others. Differences in dialect were evident in some areas, most notably around Bathurst and near Albury. Maintenance of a cycle of ceremonies that moved in a ring around the whole tribal area tended to assist tribal coherence despite the large occupied area (Tindale 1974), and interactions between language groups was common as people frequently travelled across country for economic, social and ceremonial reasons. The Darlington Point area has been suggested as a traditional ceremonial region where "a good deal of food may have been available at certain times of the year" (Read 1983:24).

The Wiradjuri who lived in the region of the study area are likely to have lived in small and highly mobile family groups who came together regularly to participate in trade, marriage and ceremonial gatherings. Wiradjuri groups also occasionally took part in the Bogong moth collections over the summer months in the mountains of the Great Dividing Range. The moths were harvested from caves and rock crevices between October to March during their aestivation period. This food source was particularly important for the Aboriginal Ngunawal and Ngarigo people living in the highlands, as the abundance of such a high-energy resource made it possible for large groups to gather in one place at the same time. This included people from different tribes whose normal home territory was as far as 300km away (Flood 1996:14), including Wiradjuri. Initiation ceremonies, arrangement of marriages, corroborees, trade and exchange and the discussion and establishment of lore and lore took place during these gatherings (Flood 1996).

The varied geology and topography of the region provided diverse habitats for a range of flora and fauna. An early ethnographic account from naturalist George Bennett recorded the diet of the inhabitants of the eastern Riverina and neighbouring regions as including flying squirrel, kangaroo, wallaby, wombat, koala, possum, emu, duck, swan, snake, goanna, platypus, ant eggs, insects, fish, mussels, yabbies, plant tubers, berries and seeds (1834:173). The traditional subsistence economy of the Wiradjuri was centred on the river corridors and their hinterlands. A useful division used by Kabaila (1999) described river, swamp, plains and forest economies, each with a particular suite of resources and subsistence strategies. The river economy was dominated by fishing, both from canoes and from the river banks, using nets, fish traps, spears and lines. Brush and log traps were also common across billabongs or smaller ephemeral watercourses. The use of such traps in billabongs was often timed to allow a large, reliable food supply to be prepared ahead of planned gatherings and ceremonies (Kabaila 1999:125-126), to ensure enough food would be available to support groups of up to 300 people. Freshwater molluscs, crayfish, eels and yabbies were also eaten, along with aquatic plants and tubers such as bullrush.

Bird breeding grounds around the swamps and lakes were used for birds, eggs and feathers along with grasses, sedges and rushes. Nets and traps for catching birds were made from skilfully woven plant fibre cords (Beveridge 1883:45). The use of numerous plant resources has also been documented, both for food and for medicinal purposes. The following resources have all been recorded as used by local Aboriginal groups: Kurrajong seeds, growing tips and berries, wild honey, roots, acacia gum, bulrush, pulp, nuts (quandong), grass seeds, Gubiyaay (a type of lily), *Capparis lasiantha* (a native orange or pomegranate), various species of native mistletoe, *Owenia acidula* (Emu apple / sour plum), yams, water yams, wild potato, melon and various fruits and berries. The seeds of native grasses were collected on the plains, being milled and ground down into flour to make small cakes and a type of bread. Traditional grind stones and mullers have been recorded at Mission sites in the region. In the forested regions, a variety of small animals contributed to the protein component of the Wiradjuri diet. Possums were the most commonly eaten and probably provided a year-round source of meat for people living near the study area (Backhouse 1835:210-211 cited in

Kabaila 1999:126). These were hunted in a number of ways, including smoking out the animal by lighting a fire in the base of a hollow tree, burning large tracts of land and gathering the stranded animals, as well as cutting toe-holds in trees. Charles Sturt's expedition through Wiradjuri land in 1829 described how one of their local guides "asked for and received the use of a tomahawk to assist in the capture of an opossum by smoking it out of a hollow tree (Sturt 1833).

Firing of the landscape was used to strand and gather animals and may also have ensured the fruiting of certain plant species and allowed for new vegetation growth, which encouraged kangaroos and other grazing animals to the area. Extensive 'fire-stick' farming such as this has been recorded throughout the region and included deliberate reseeding and management of the area to ensure optimal regrowth of various species. Wiradjuri land use also included back burning to fight large fires, with a number of smaller fires maintained by the women around areas to be protected while the main fire front was allowed to take its course (Kabaila 1999:127). It has been suggested that some forests in the eastern part of the region (in the general vicinity of the study area) were probably deliberately maintained as sparse open woodland for easier hunting, as they were described as being "park-like" in early European observations (Oxley 1820:175; Govett 1837 in Kabaila 1999:127).

Various items of material culture used by Aboriginal people in the region. These include hunting implements such as throwing sticks, boomerangs and spears with varying points including barbed, tapered and even trident-like forms. Coolamon (bark containers) were used for gathering food including fruits, berries, tubers and vegetables and for collecting and transporting water. Bark was also used for shields and canoes. Kangaroo and possum skins were treated and sewn into cloaks. Cloaks were important items as they offered an opportunity for artistic expression laden with social meaning and were practical for warmth and protection from the elements. Cloaks were worn reversed with the fur turned inwards during winter for added warmth. Traditional cloaks of the Wiradjuri were widely admired by European recorders, including Governor Macquarie who described meeting a group of Wiradjuri men near Bathurst in 1815 as "all clothed with Mantles made of the skins of o'possums which were very neatly sewn together and the outside of the skins were carved in a remarkably neat manner". Historical accounts of Wiradjuri cloaks describe the manufacturing process and the designs added to the finished product. The skins were pegged and scraped in ornamental patterns with a mussel shell scraper, and stitched together with finely divided kangaroo tail sinew thread using a bone awl (Bennett 1834:175-176). Beveridge (1883) records the frequent use of mussel shells as scrapers.

By 1832 the first settler had arrived at Wiradjuri Land near Darlington Point and within a year the Murrumbidgee river frontage between Wagga Wagga and Darlington Point was fully occupied by Irish settlers. European colonial farmers occupied and sub-divided the land, displacing Wiradjuri hunter-gatherers and establishing Darlington Point as a small town. The effects of European arrival on Aboriginal people of the land were many and widespread: affecting their food sources, introducing contagious and fatal disease and decimating their population. Relations between the Wiradjuri and settlers appeared to be good at first, but rapid pastoral expansion and a severe drought between 1834- 1838 put extreme pressure on food supplies and relations deteriorated. The explorer Edward Eyre recorded that by the end of 1838 settlers were making organised armed raids against the Wiradjuri, who retaliated with a guerrilla style resistance. This was brought to a decisive end with a massacre of Wiradjuri on an island in the Murrumbidgee River at Narrandera in 1841.

No direct historical or ethnographic recordings relate to the specific study area; however it is clear that the variety of resources available in and around the Darlington Point area would have made it attractive and it is known that past Aboriginal people and families occupied the area. The value of the area and surrounds to both the past and the present Aboriginal community is also underscored by the presence of one particularly important place of post-European settlement history: the Warangesda Aboriginal Mission and Station. The Mission site is located approximately 5.5km to the north west of the study area and was established between 1879-1884 by the Reverend John Brown Gribble, with the help of local Aboriginal men. Warangesda is listed on the NSW State Heritage Register as a place of exceptional and unique significance in the post-European Aboriginal settlement history of NSW. The State Heritage Register listing provides an overview of its history and significance, as described in the following paragraphs.

Stone tools found on the ground during farming activities at Warangesda suggest that the pre-European area of Warangesda was not so much a permanent camp, as an area visited for seasonal foraging and occasional ceremonies. The grass lands of the Riverina contained native cereals and plants with fruit or nuts that could be gathered by hand. Small portable grindstones were part of the basic equipment carried by Wiradjuri women along with their babies and young children. Larger game animals such as kangaroos were hunted by the men, roasted in an earth oven, formed by a shallow hole in the ground, containing ash and charcoal. Sometimes the hole was lined with stones or lumps of clay, or was dug straight out of an old clay termite mound. Traces of one Aboriginal oven were found near the Aboriginal hut area, suggesting that some aspects of traditional life continued into the mission period.

Gribble was a private citizen (later Reverend) who established the mission to offer displaced Wiradjuri a permanent home and attempted to create a managed farming community out of the local Aboriginal population. The shortage of food, the hostility of settlers, the physical availability of food resources, the availability of work and the desire to be with relatives drove the Wiradjuri to particular towns in the Riverina, including Yass, Cowra, Tumut and Darlington Point. Gribble believed the Aboriginal population near Darlington Point especially needed the establishment of the mission given what he saw as the depravity and vices of the Darlington Point township and their negative influence on

the local Wiradjuri. His selection of land at Warangesda was based on the availability of a parcel which had been revoked from lease.

Establishment of the Mission took place over several years and included construction of a schoolhouse/church, girls dormitory, cottages for families, hut for the single men, managers house, storeroom and various outbuildings. Small stores were run from the ends of verandahs and a butcher was established. Cottage gardens were also maintained. The archaeological remains and relics on the site at Warangesda and from Warangesda provide an excellent example of the many phases of development at an Aboriginal settlement site from 1880 to the present day. During the mission period the desired, most civilising method of subsistence was seen to be small scale farming (Goodall 1982:34, cited in SHR listing). Yet continuing shortages of food supplies necessitated the occasional use of Aboriginal hunting and fishing knowledge. One recorded occasion when the mission ran out of meat, Aboriginal men were sent out on a hunt and returned in the evening with a kangaroo. The next two day hunting expedition returned with six kangaroos although it seemed a non-event to the manager who added: "Nothing important to note'" (Diary July 1887, cited in SHR listing). Gribble himself recorded one occasion when traditional fishing methods were used whereby "half a ton of fish" were speared in a downstream pool.

The historic Aboriginal occupation of Warangesda was characterised by a relatively self-sufficient Aboriginal community that participated in the economic maintenance of the wider community by the provision of labour to local agriculture. The people also maintained a culturally distinct Aboriginal lifestyle firmly based on the maintenance of family connections over the wider region. The place is also significant for its association with the last great inter-group *burbung* (initiation) in Wiradjuri country which was held at or near Warangesda in the 1870s. In 1884 the Aborigines Protection Association took on the management of the mission and with its successor, the newly formed Aborigines Protection Board of NSW, continued to run Warangesda as a self-sufficient 'Aboriginal station'. From 1909 onwards, the *Aborigines Protection Act* aimed to abolish reserves and fringe-camps by driving Aboriginal people into the white community. Regulations were drawn up for life on stations and reserves to make life amongst whites more attractive. The Board began an active policy of expulsion – this particularly affected included young men so they would find work off the mission, light-coloured people which the Board defined as non- Aborigines, and children who were sent to be trained at institutions. By 1920, a total of 41 men had been expelled, mostly on the grounds of breaking the station regulations, and possibly over a third of children at Warangesda had been put in institutions (Read 1983). Some households probably left to protect their children. The population of Warangesda was so reduced by 1924, that the Board was able to close it and hand it back to the Lands Department as a rural lease.

The Warangesda mission has historic significance for its role in the founding or growth of other Aboriginal communities. The people forced out of Warangesda founded communities at Narrandera (communities at the Sandhills and Hill 60) and at Darlington Point (communities at the Reserve and then in the town). It also added to communities such as Wattle Hill in Leeton, Three Ways Reserve in Griffith and Erambie Reserve at Cowra. Warangesda is highly significant to the Aboriginal communities of Narrandera, Darlington Point and Cowra whom have a demonstrated cultural affiliation with the place. Warangesda Mission has outstanding social significance as a heartland for some important Aboriginal family networks in south-eastern Australia. It is highly significant to the thousands of Warangesda Aboriginal descendants. The wider region around the study area remains important to local Aboriginal people, who have maintained their ties to the area through the sharing of knowledge and lore down generations. Aboriginal culture and cultural heritage is dynamic and continues to evolve in contemporary times. While the ethnohistorical and historical record may be lacking for the current study area, the nearby presence of significant sites such as Warangesda strengthens the contemporary cultural associations that Aboriginal people and groups hold for the wider landscape.

4 Archaeological Context

4.1 Database search (AHIMS)

The Aboriginal Heritage Information Management System (AHIMS) is a database operated by OEH and regulated under section 90Q of the *National Parks and Wildlife Act 1974*. AHIMS contains information and records pertaining to registered Aboriginal archaeological sites (Aboriginal objects, as defined under the Act) and declared Aboriginal places (as defined under the Act) in NSW.

A search of AHIMS was conducted on 20 April 2017 to identify registered (known) Aboriginal sites or declared Aboriginal places within or adjacent to the study area (Appendix A).

The AHIMS Web Service database search was conducted with the following coordinates (GDA, Zone 55):

Eastings: 0410246 to 0418137
Northings: 6162801 to 6167776
Buffer: 0 metres (search coordinates included a buffer around the study area)

The AHIMS search results showed:

12	**Aboriginal sites are recorded in or near the above location**
0	**Aboriginal places have been declared in or near the above location**

The location of registered Aboriginal sites within these coordinates is shown on Figure 3. The frequencies of site types ('site features') within the AHIMS database search area are listed in Table 2.

Table 2. Frequency of site features from AHIMS database search

Site Context	Site Features	Frequency	(%)
Open Site	Artefact	2	*16.67*
	Artefact and Modified Tree (Carved or Scarred)	1	*8.33*
	Earth Mound and Hearth	2	*16.67*
	Modified Tree (Carved or Scarred)	7	*58.33*
Total		*12*	*100*

4.2 Other heritage registers and databases

A search was undertaken of the following statutory and non-statutory heritage registers for Aboriginal heritage items:

- Murrumbidgee Local Environmental Plan 2013
- State Heritage Register and State Heritage Inventory
- Section 170 Heritage and Conservation Registers
- Commonwealth Heritage List
- National Heritage List
- Australian Heritage Database
- Australian Heritage Places Inventory
- Register of the National Estate (non-statutory archive).

The eastern portion of the study area is within the boundary of Tubbo Station an item listed on the Murrumbidgee LEP 2013 (Item I2) and Register of National Estate (Items 14328, 14329 and 14330) for its historical heritage value. There were no listed Aboriginal heritage items or places within the study area.

4.3 Previous archaeological investigations of the study area

Thompson (1982) undertook a survey for Aboriginal and historical sites within the corridor of proposed transmission line between Darlington Point and Yanco that included a portion of the current study area. The survey identified 24 culturally modified trees, two possible culturally modified trees, one artefact scatter, four isolated artefacts, one earth oven and 15 potential hearths or ovens.

The culturally modified trees exhibited bark removal scars comprising four large bark removal scars, one probable large bark removal scar, 17 smaller bark removal scars, two possible smaller bark removal scars and two very long thin bark removal scars. The culturally modified trees were predominantly black boxes with bark removal scars also identified on yellow box and on cypress pine trees.

Stone artefacts comprised flakes, flaked pieces, rejuvenation flakes, grinding stone fragments, one bondi point and one core. The stone artefacts were made from chert, quartzite and silcrete. Thompson noted that the stone artefact materials were absent in the local geology and must have been sourced from outside the survey area.

The survey noted approximately 15 areas of burnt earth within the corridor which were interpreted as potentially being Aboriginal hearths or ovens; however, Thompson noted that a more likely explanation is that natural or historical fires could have caused a tree to burn and produce baked earth similar to that of an oven. The survey identified one definite Aboriginal oven mound where disturbance from rabbit diggings had revealed mussel shell, charcoal, ash stained soil and burnt earth.

Of the identified sites, four (AHIMS 49-5-0027, 49-5-0028, 49-5-0029 and 49-5-0030) were found within the current study area. AHIMS Site 49-5-0027 was a culturally modified black box tree located within a drainage depression. A single bark removal scar was identified on the eastern site of the tree that was approximately 150 centimetres long and 80 centimetres wide with regrowth measuring 10 centimetres.

AHIMS Site 49-5-0028 was a probable Aboriginal hearth/oven and a black box tree with a bark removal scar of possible Aboriginal origin. The probable Aboriginal hearth/oven consisted of a slight mound with a diameter of approximately 4 metres with visible burnt earth. The bark removal scar was located on a dead black box that was situated on the western edge of the mound. Thompson noted that the mound was probably an Aboriginal oven but may be natural and that the bark removal scar was possibly of Aboriginal origin.

AHIMS Site 49-5-0029 was a possible Aboriginal hearth/oven. The possible Aboriginal oven consisted of a slight mound measuring 5 metres in diameter with areas of burnt earth. Thompson noted that the mound was of doubtful Aboriginal origin. AHIMS Site 49-5-0030 consisted of five culturally modified trees and one possible Aboriginal hearth/oven. The culturally modified trees were black box trees with bark removal scars comprising three large scars, one smaller scar and one tree with two smaller scars. The possible Aboriginal oven comprised a scatter of burnt earth lumps which were identified over an area of approximately 10 metres.

Biosis (2017) prepared a preliminary ecological, heritage and planning advice for the Darlington Point Solar Development site. The assessment included a desktop review of previous archaeological investigations, AHIMS database and other registry searches, a review of the soil landscape and site visit. The assessment noted that the area was situated on soil landscapes which Aboriginal heritage sites occur and was close to the Murrumbidgee River. Four possible culturally modified trees were identified during the assessment; however, the trees were not registered on the AHIMS database and their locations are unknown.

5 Aboriginal Archaeological Survey

An Aboriginal archaeological survey was undertaken by KNC of the proposed impact area to inform the project EIS. The assessment comprised an archaeological survey in addition to a desktop review of previous archaeological investigations and the environmental context.

5.1 Desktop review

The desktop review included a search of the Aboriginal Heritage Information Management System (AHIMS) and other heritage registers and lists. A review of the AHIMS search results and associated AHIMS site cards identified four Aboriginal archaeological sites (AHIMS 49-5-0027, 49-5-0028, 49-5-0029 and 49-5-0030) within the study area but outside the proposed impact area. The sites comprise culturally modified black box trees and possible Aboriginal hearths/ovens. No Aboriginal heritage items or places were listed on other heritage registers and lists within or in the vicinity of the study area.

5.2 Regional character and site predictions

Few archaeological investigations have been conducted in the vicinity of the study area. The results from these investigations had created a spatial distortion of Aboriginal site distribution in the region that is more a reflection of the extent of previous archaeological investigations than an indication of site distribution. Previous archaeological investigations had identified culturally modified trees, artefact scatters and Aboriginal hearths/ovens which demonstrate that the region was utilised for a diverse range of activities and that a similar distribution of sites would be expected to be encountered in areas with similar environments.

A review of the environmental context of the study area determined that the soil types present within the study area were likely to affect the preservation of subsurface archaeological deposits with the black vertosols, which were present across the majority of the study area prone to frequent subsurface movement due to cracking while the red chromosols that were present in the north western portion of the study area were more favourable for intact subsurface archaeological deposits where gradient was low and the landform has not been disturbed.

Based on information from previous archaeological investigations, landscape context and regional character, site predictions for the study area include the following:

- Archaeological sites are likely to consist of culturally modified trees, artefact scatters, isolated artefacts and Aboriginal hearths/ovens.
- It can be expected that silcrete, quartz and chert will be the most commonly encountered artefact raw materials, with occasional occurrences of volcanics.
- Old growth trees are present in the study area and have the potential to display scars of Aboriginal origin.
- The identification of surface artefact scatters and Aboriginal hearths/ovens are likely to be affected by differential visibility of the ground surface, but successful assessment of areas of potential archaeological deposit can be made based on landform and other environmental factors such as disturbance and distance to water.

5.3 Sampling strategy and field methods

The aim of the archaeological survey was to conduct a survey of the study area and to record any Aboriginal archaeological sites or areas with potential to contain Aboriginal objects. The survey concentrated on the proposed impact area and adjacent vegetated areas.

The study area was inspected by Matthew Kelleher (KNC) and Neerim Carroll (Griffith Local Aboriginal Land Council) in November 2017. Based on the archaeological background and landform context of the study area, the survey closely inspected any areas of surface exposure for artefacts, evidence of intact soils or Aboriginal hearths/ovens and any mature trees for evidence of Aboriginal bark removal. Assessments of soil disturbance were also made during the survey.

The survey team were equipped with high resolution aerial photography and topographic maps showing the study area boundary. A non-differential GPS receiver was used for spatial recordings. All GPS recordings were made using the Geocentric Datum of Australia (GDA) coordinate system. Detailed notes on the condition of the survey unit were compiled by the survey team including an assessment of surface visibility, vegetation coverage, modern disturbance and current land use.

5.4 Survey results

The survey identified six previously unrecorded sites within the study area comprising four culturally modified trees, one possible culturally modified tree and one surface artefact scatter.

5.4.1. Newly recorded sites

Site Name: Tubbo TRE 01
Coordinates: 413892E 6165058N
Site Type: Culturally Modified Tree

Site Tubbo TRE 01 was a culturally modified tree that was situated on a flat landform approximately 760 metres north of an unnamed drainage line. The tree formed part of the northern edge of a large dispersed area of native trees and was approximately 680 metres west of Tubbo TRE 2. The site was located in the central portion of Lot 2 DP542215, approximately 550 metres west of a north south running vehicle track and 3.3 kilometres south of the Sturt Highway.

The culturally modified tree was a Black Box (*Eucalyptus largiflorens*) which had a single bark removal scar on the southern face. The bark removal scar was situated 40 centimetres above the ground surface and the scar dry face was 180 centimetres long and 40 centimetres wide. The bark overgrowth was approximately 10 centimetres thick. The tree was in good health; however, the dry face was cracked and uneven due to the partially removal of the hardwood, possibly through past termite activity.

Plate 1. Tubbo TRE 01 location

Plate 2. Tubbo TRE 01 scar detail

Site Name: Tubbo TRE 02
Coordinates: 414572E 6165118N
Site Type: Culturally Modified Tree

Site Tubbo TRE 02 was a culturally modified tree that was located on a flat landform approximately 780 metres north of an unnamed drainage line. The tree formed part of the northern edge of a large dispersed area of native trees and was approximately 680 metres east of Tubbo TRE 1, 680 metres north of the site 49-5-0029 and 730 metres north west of site 49-5-0030. The site was located in the central portion of Lot 2 DP542215, approximately 550 metres east of a north south running vehicle track and 2.9 kilometres south of the Sturt Highway.

The culturally modified tree was a Black Box (*Eucalyptus largiflorens*) which had a single bark removal scar on the southern face. The bark removal scar was situated 1 metre above the ground surface and the scar dry face was 175 centimetres long and 35 centimetres wide. The bark overgrowth was approximately 10 centimetres thick. The tree was in good health.

Plate 3. Tubbo TRE 02 location

Plate 4. Tubbo TRE 02 scar detail

Site Name: Tubbo TRE 03
Coordinates: 415601E 6164947N
Site Type: Culturally Modified Tree

Site Tubbo TRE 03 was a culturally modified tree that was located on a flat landform approximately 350 metres north of an unnamed drainage line. The tree formed part of the northern edge of a small cluster of native trees and was approximately 890 metres north west of Tubbo TRE 04 and 1,050 metres east of Tubbo TRE 20. The site was located in the southern portion of Lot 18 DP750903, approximately 1 kilometre west of a north south running vehicle track and 2.7 kilometres south of the Sturt Highway.

Plate 5. Tubbo TRE 03 location

Plate 6. Tubbo TRE 03 scar detail

The culturally modified tree was a Black Box (*Eucalyptus largiflorens*) which had a single bark removal scar on the south eastern face. The bark removal scar was situated 10 centimetres above the ground surface and the scar dry face was 220 centimetres long and 50 centimetres wide. The bark overgrowth was approximately 10 centimetres thick. Three horizontal indentations were present on the dry face which may have been caused during the bark removal process. The tree was in good health; however, the dry face had a large crack and an uneven surface with the underlying hardwood had been removed, possibly through past termite activity.

Plate 7. Tubbo TRE 03 details of horizontal indentations on dry face

Plate 8. Tubbo TRE 03 details of indentations along top of dry face

Site Name: Tubbo TRE 04
Coordinates: 416447E 6164667N
Site Type: Culturally Modified Tree

Site Tubbo TRE 04 was a culturally modified tree that was located on a flat landform on the northern side of an unnamed drainage line. The tree formed part of a small cluster of native trees and was approximately 300 metres south west of Tubbo AFT 01 and 890 metres south east of Tubbo TRE 03. The site was located in the southern portion of Lot 36 DP750903, approximately 120 metres west of a north south running vehicle track and 2.2 kilometres south of the Sturt Highway.

Plate 9. Tubbo TRE 04 location

Plate 10. Tubbo TRE 04 scar detail

The culturally modified tree was a Black Box (*Eucalyptus largiflorens*) which had a single bark removal scar on the north eastern face. The bark removal scar was situated 10 centimetres above the ground surface and the scar dry face was 215 centimetres long and 45 centimetres wide. The bark overgrowth was approximately 10 centimetres thick. Three horizontal cut marks were present approximately 10 centimetres from the top of the dry face and a horizontal indentation was present approximately 10 centimetres from the bottom of the dry face. The cut marks indicate that a metal axe head was used. The bark overgrowth was approximately 10 centimetres thick. The tree was in good health.

Plate 11. Tubbo TRE 04 details of axe marks along top of dry face

Plate 12. Tubbo TRE 04 details of indentation along bottom of dry face

Site Name: Tubbo TRE 05
Coordinates: 415644E 6165839N
Site Type: Possible Culturally Modified Tree

Site Tubbo TRE 05 was a possible culturally modified tree that was located on a flat landform approximately 1.25 kilometres west of an unnamed drainage line. The tree formed part of a small cluster of native trees and was approximately 900 metres north of Tubbo TRE 05. The site was located in the northern portion of Lot 18 DP750903, approximately 1.3 kilometre west of a north south running vehicle track and 1.8 kilometres south of the Sturt Highway.

Plate 13. Tubbo TRE 05 location

The possible culturally modified tree was a Black Box (*Eucalyptus largiflorens*) which had a large possible bark removal scar on the south face and a smaller possible bark removal scar above a tree branch on the north west face. The large scar was situated 20 centimetres above the ground surface and the dry face was 250 centimetres long and 60 centimetres wide. The smaller scar was located 160 centimetres above the ground surface and the dry face was 50 centimetres long and 10 centimetres wide. The bark overgrowth was approximately 10 centimetres thick. The tree was in overall good health; however, the dry faces and underlying hardwood had been damaged by a termite nest.

Plate 14. Tubbo TRE 05 scar 1 detail

Plate 15. Tubbo TRE 05 scar 2 detail

Due to the damage caused to the scars as a result of termite activity, it was not possible to determine if the scars were created as a result of cultural modification. Further analysis of the scars would be required prior to registration as an Aboriginal site on the AHIMS database.

Site Name: Tubbo AFT 01
Coordinates: 416824E 6164777N
Site Type: Artefact Scatter

Site Tubbo AFT 01 was a surface artefact scatter situated on a slightly raised landform approximately 50 metres east of an unnamed north flowing drainage line. The site was located in the south eastern portion of Lot 36 DP750903 and approximately 1.6 kilometres south west of the Sturt Highway.

Plate 16. Facing north west across Tubbo AFT 01 towards clump of trees

Plate 17. Tubbo AFT 01 facing west with surface exposure and artefacts in foreground

The site comprised a low density scatter of quartz and lithified sandstone artefacts that were dispersed over an area measuring 200 x 160 metres. The deposit was heavily deflated and had low to nil subsurface potential.

Table 3. Sample of artefacts at Tubbo AFT 01

Raw material	Artefact type	Length (mm)	Width (mm)	Thickness (mm)	Comments
Quartz	Flake	40	25	15	Plain platform, feather termination, zero cortex
Quartz	Core	24	22	12	Rotated, zero cortex
Quartz	Flake	18	23	7	Plain platform, feather termination, zero cortex
Quartz	Core	42	27	18	Unifacial platform
Quartz	Proximal fragment	12	10	5	Plain platform
Conglomerate	Hammer stone	70	45	8	Pitting from use, quartz inclusions

Plate 18. A sample of quartz artefacts from site Tubbo AFT 01

Plate 19. A hammer stone from Tubbo AFT 01 showing pitting from use

5.5 Survey coverage and analysis

The survey commenced in the western portion of the proposed impact area. The area was predominantly cleared of trees and covered in dense grass cover with clusters of native trees adjacent to minor drainage lines in the north and south. Visibility was moderate due to vegetation; however, surface exposures were present along vehicle tracks, within tree drip lines and adjacent to dams.

The central portion of the proposed impact area was characterised by an open grass land bound by large areas of native trees within minor drainage lines to the north and south. Visibility was similar to the western portion of the proposed impact area with low visibility overall due to dense grasses and plant detritus.

The eastern portion of the study area encompassed a large grassland area with smaller areas of remnant native vegetation to the north, east and south. Visibility was moderate due to dense grasses and plant detritus; however, surface exposures were present along vehicle tracks and within tree drip lines.

Table 4. Survey and landform coverage

Landform	Survey Unit Area (m^2)	Visibility (%)	Exposure (%)	Effective Coverage (m^2)	Effective Coverage (%)	Number of Sites
Flat	7,240,326	80	30	1,737,678	24	6
Open Depression	193,192	80	20	30,911	16	0

5.6 Analysis and discussion

Background research, AHIMS records and archaeological field survey identified four previously identified archaeological sites and six previously unknown archaeological sites within the study area. The sites were located on flat landforms, the majority of which were within one kilometre of an unnamed drainage line. The spatial distribution of sites identified within the study area is consistent with the results of previous archaeological investigations in the area which indicates that sites were predominantly located in association with water sources.

The distribution of culturally modified trees was further restricted to areas where the trees could grow and where natural processes or modern land use practices had not removed them. The size and shape of the bark removal scars on the culturally modified trees identified within the study area indicate that the bark was being acquired for a range of activities. The presence of cut marks potentially made from a metal axe head on the culturally modified tree at site Tubbo TRE 04 indicates that traditional bark removal continued in the area post European contact.

The identification of culturally modified trees within the study area during the survey and past investigations indicate that that more culturally modified trees are likely present within these areas. These areas are outside the proposed impact area and would not be harmed by the proposed development.

The archaeological field survey found that overall ground surface exposure across the study area was low with areas of surface exposure where natural processes or land use practices had removed vegetation or restricted its growth. Despite the limitations to surface visibility it was still possible to assess the archaeological potential based on landform, vegetation and disturbance. The survey found that the majority of the study area contained no potential for subsurface archaeology due to unfavourable location, tree clearance the presence of vertosols across the area that were unlikely to contain intact subsurface.

5.7 Aboriginal settlement history of the study area

The physical evidence of Aboriginal landscape use in the region predominantly consists of culturally modified trees while artefact scatters and Aboriginal hearths/ovens have been identified in lower numbers. Within the study area, four previously identified archaeological sites and six previously unknown archaeological sites have been identified.

The sites comprised four culturally modified trees, one possible culturally modified tree, one cluster of five culturally modified trees and a possible Aboriginal hearth/oven, one probable Aboriginal hearth/oven and a possible culturally modified tree, one possible Aboriginal hearth/oven, and one surface artefact scatter. The archaeological evidence indicated that a range of activities were being undertaken within the study area. The presence of cut marks that were potentially made with a metal axe head suggests that the utilisation of these resources continued after European contact in the region.

6 Aboriginal Community Consultation and Participation

6.1 Aboriginal stakeholder consultation

The aim of consultation is to integrate cultural and archaeological knowledge and ensure registered stakeholders have information to make decisions on Aboriginal cultural heritage. For the preparation of this CHAR, consultation with Aboriginal people has been undertaken in accordance with the OEH *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010b) and the requirements of Clause 80C of *the National Parks and Wildlife Regulation 2009*. The formal consultation process has included:

- government agency notification letters (letters dated 12/05/2017);
- advertising for registered stakeholders in local media (The Area News 19/07/2017: refer Appendix B);
- notification of closing date for registration (03/08/2017);
- ongoing compilation of registrants list, through continuing to register individuals and groups for consultation on the project;
- provision of project information and proposed assessment methodology (letters dated 18/09/2017) allowing for a 28 day review period;
- provision of draft CHAR (email dated 07/12/2017) allowing for a 28 day review period; and
- ongoing consultation with the local Aboriginal community.

A full log of all Aboriginal community consultation undertaken for the project is attached as Appendix D.

6.2 Registration of interest

Aboriginal people who hold knowledge relevant to determining the cultural heritage significance of Aboriginal objects and Aboriginal places in the area in which the proposed activity was to occur were invited to register an interest in a process of community consultation. Investigations for the proposed development have included consultation with Aboriginal community individuals and groups as listed in Table 5 below.

Table 5. Registered Aboriginal stakeholders

Registered Aboriginal Stakeholder	Representative and/or Contact Person
Griffith Local Aboriginal Land Council	CEO (Robert Carroll)

6.3 Stakeholder responses to the proposed assessment methodology for the Cultural Heritage Assessment Report

No responses were received from the stakeholders regarding the proposed assessment methodology for the Cultural Heritage Assessment Report.

6.4 Stakeholder involvement in fieldwork

A representative from Griffith LALC attended the site survey of the study area in November 2017. Site Officer Neerim Carroll undertook the fieldwork and indicated the Land Council would be interested in becoming a caretaker for the artefacts should these be collected.

6.5 Review of draft CHAR and stakeholder response

A copy of the draft CHAR was provided to registered Aboriginal stakeholders for review and comment (email dated 07/12/2017). Stakeholders were invited to review the findings of the assessment and provide feedback and any relevant information on the cultural significance of the sites and the study area. A review period of 40 days was provided (extended in consideration of the Christmas holiday period). No responses were received during the review period.

Griffith Local Aboriginal Land Council were contacted to discuss the completion of the report and the recommendations relating to storage of artefacts (email dated 22/02/2018). KNC enquired as to whether the Land Council had any further comments or feedback on the project, and requested a confirmation that the Land Council would be happy to act as caretaker for the collected objects, as per the report recommendations. Griffith Local Aboriginal Land Council confirmed that they had no comments to make on the draft CHAR and confirmed their request that the collected artefacts be given to the Land Council for safe storage and future use as educational resources (email dated 22/02/2018; see Appendix C).

7 Summary and Analysis of Background Information

Analysis of the background information presented in sections 2, 3, 4, 5 and 6 allows an assessment of the cultural heritage values within the study area to be made. Combining data from historical/ethnographic sources, Aboriginal community consultation, landscape evaluation and archaeological context provides an insight into how the landscape around the study area was used and what sort of events took place in the past. This section draws together a variety of information to bring further understanding to the cultural landscape of the study area.

The study area and surrounding region are known to have been important to and extensively used by past Aboriginal people. Aboriginal people's use of the wider Riverine Plain is well-documented in historic accounts, as are a range of subsistence activities, practices and implements which may not be visible within the archaeological record. Historic accounts demonstrate the importance of the Murrumbidgee River corridor and major water sources in the region which acted as focal points for subsistence and social activities. The arrival and settlement of Europeans in the region caused major social and economic upheaval for the Aboriginal people living on the Riverine Plain, as evidenced by the establishment Warangesda Aboriginal Mission and Station; however, members of the contemporary Aboriginal community continue to experience connection with the area through cultural and family associations.

Archaeological investigations within the region have revealed physical traces of a range of Aboriginal land use activities which have survived in the form of archaeological sites. Recorded site types in the vicinity include culturally modified trees, artefact scatters and Aboriginal hearths/ovens. Few archaeological investigations have been conducted in the region and the results from these previous archaeological investigations have created a spatial distortion of Aboriginal site distribution in the region that is more a reflection of the extent of previous archaeological investigations than an indication of site distribution; however, it is likely that a similar distribution of sites would be encountered in areas with similar environments occur (i.e. remnant native woodlands).

3.1 Summary of known Aboriginal sites within the study area

Review of background information, Aboriginal community consultation, and archaeological assessment has resulted in the identification of ten Aboriginal archaeological sites within the study area. These locations are listed in Table 6 and shown on Figure 4.

Table 6. Identified Aboriginal archaeological sites within the study area

Site Name	AHIMS ID	Site Feature
Tubbo; Darlington Point	49-5-0027	Modified tree (Carved or Scarred)
Tubbo	49-5-0028	Earth mound/hearth and modified tree (Carved or Scarred)
Tubbo	49-5-0029	Earth mound/hearth
Tubbo	49-5-0030	Hearth and modified tree (Carved or Scarred)
Tubbo TRE 01	49-5-0148	Modified tree (Carved or Scarred)
Tubbo TRE 02	49-5-0149	Modified tree (Carved or Scarred)
Tubbo TRE 03	49-5-0150	Modified tree (Carved or Scarred)
Tubbo TRE 04	49-5-0151	Modified tree (Carved or Scarred)
Tubbo TRE 05	tbc	Modified tree (Carved or Scarred)
Tubbo AFT 01	49-5-0152	Artefact

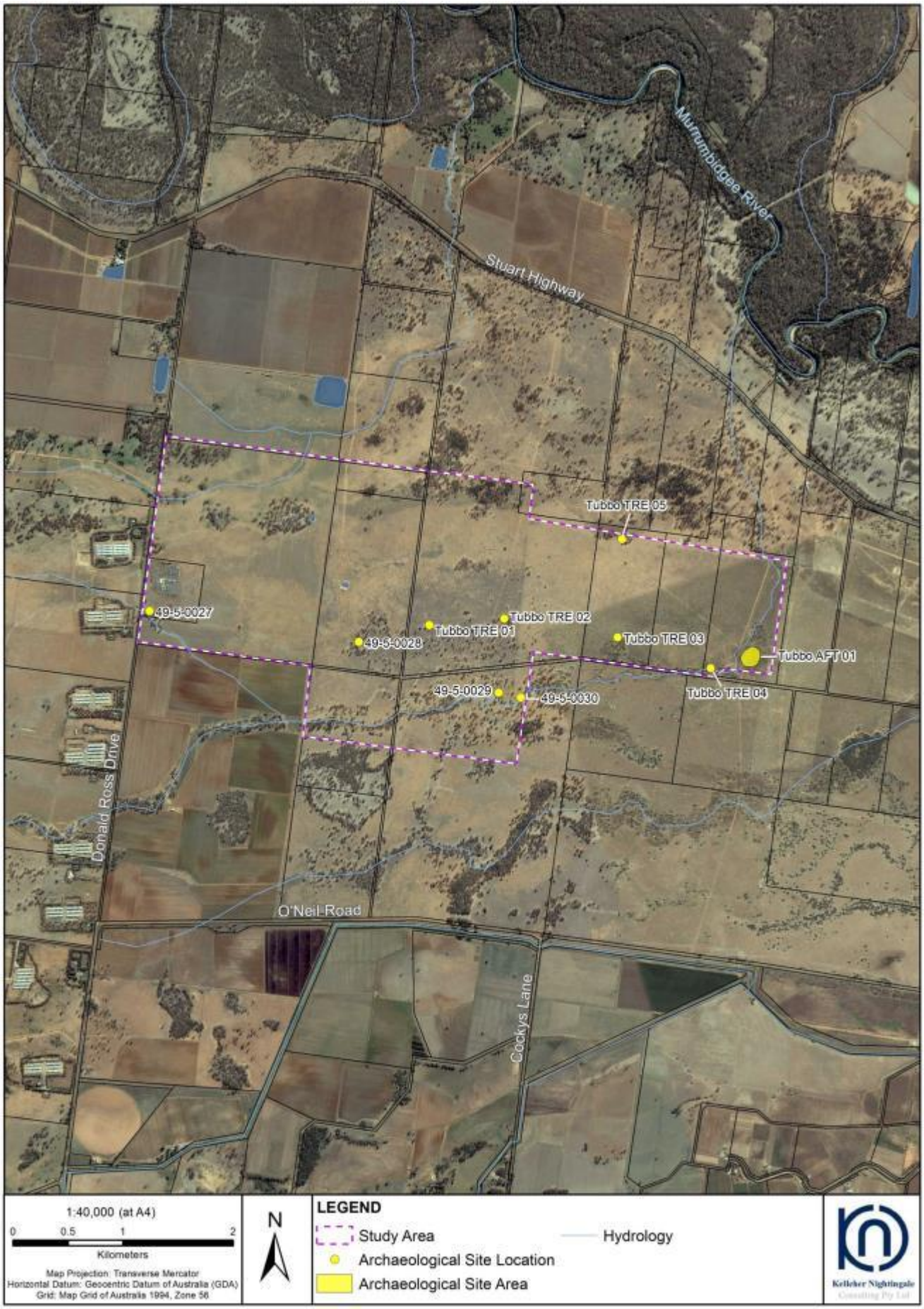

Figure 4. Identified Aboriginal archaeological sites within the study area

3.2 Aboriginal sites within the study area

Site Name: Tubbo; Darlington Point
AHIMS Number: 49-5-0027

Site 49-5-0027 was a culturally modified black box tree located within a drainage depression. The site was located within a clump of black box trees in the south western corner of Lot 2 DP628785 (formerly Portion 72) approximately 100 metres north east of the south west corner of the paddock. The site is situated 80 metres east of Donald Ross Drive and 3.6 kilometres south of the intersection of the Sturt Highway and Donald Ross Drive. A single bark removal scar was identified on the eastern site of the tree that was approximately 150 centimetres long and 80 centimetres wide with regrowth measuring 10 centimetres.

Site Name: Tubbo
AHIMS Number: 49-5-0028

Site 49-5-0028 was a probable Aboriginal hearth/oven and a black box tree with a bark removal scar of possible Aboriginal origin. The site was located within the southern portion of Lot 42 DP750903 (formerly Portion 42). The site is approximately 2 kilometres east of Donald Ross Drive and 4 kilometres south east of the intersection of the Sturt Highway and Donald Ross Drive.

The probable Aboriginal hearth/oven consisted of a slight mound with a diameter of approximately 4 metres with visible burnt earth. The bark removal scar was located on a dead black box that was situated on the western edge of the mound. The scar extended to the ground and measured approximately 130 centimetres long and 20 centimetres wide. Thompson noted that the mound was probably an Aboriginal oven but may be natural and that the scar was possibly of Aboriginal origin.

Site Name: Tubbo
AHIMS Number: 49-5-0029

Site 49-5-0029 was a possible Aboriginal hearth/oven. The site was located within the southern portion of Lot 2 DP542215 (formally Lot 2 Portion 101). The site is approximately 3.3 kilometres east of Donald Ross Drive and 3.6 kilometres south of Sturt Highway. The possible Aboriginal oven consisted of a slight mound measuring five metres in diameter with areas of burnt earth.

Site Name: Tubbo
AHIMS Number: 49-5-0030

Site 49-5-0030 consisted of five culturally modified trees and one possible Aboriginal hearth/oven. The site was location within the southern portion of Lot 2 DP542215 (formally Lot 2 Portion 101). The site is approximately 3.5 kilometres east of Donald Ross Drive and 3.6 kilometres south of Sturt Highway.

Tree 1 was a black box with a large bark removal scar measuring 300 centimetres long by 50 centimetres wide. The scar was approximately 15 centimetres deep. Tree 2 was a black box with a bark removal scar measuring 130 centimetres long by 40 centimetres wide. Tree 3 was a black box with a large bark removal scar measuring 350 centimetres by 70 centimetres. Tree 4 was a black box with two bark removal scars and Tree 5 was a black box with a large bark removal scar measuring 300 centimetres by 40 centimetres. The possible Aboriginal oven comprised a scatter of burnt earth lumps measuring up to 20 centimetres in diameter which were spread over an area of approximately 10 metres.

Site Name: Tubbo TRE 01
AHIMS Number: 49-5-0148

Site Tubbo TRE 01 was a culturally modified tree that was situated on a flat landform approximately 760 metres north of an unnamed drainage line. The tree formed part of the northern edge of a large dispersed area of native trees and was approximately 680 metres west of Tubbo TRE 2. The site was located in the central portion of Lot 2 DP542215, approximately 550 metres west of a north south running vehicle track and 3.3 kilometres south of the Sturt Highway.

The culturally modified tree was a Black Box (*Eucalyptus largiflorens*) which had a single bark removal scar on the southern face. The bark removal scar was situated 40 centimetres above the ground surface and the scar dry face was 180 centimetres long and 40 centimetres wide. The bark overgrowth was approximately 10 centimetres thick. The tree was in good health; however, the dry face was cracked and uneven due to the partially removal of the hardwood, possibly through past termite activity.

Site Name: Tubbo TRE 02
AHIMS Number: 49-5-0149

Site Tubbo TRE 02 was a culturally modified tree that was located on a flat landform approximately 780 metres north of an unnamed drainage line. The tree formed part of the northern edge of a large dispersed area of native trees and was approximately 680 metres east of Tubbo TRE 1, 680 metres north of the site 49-5-0029 and 730 metres north west of site 49-5-0030. The site was located in the central portion of Lot 2 DP542215, approximately 550 metres east of a north south running vehicle track and 2.9 kilometres south of the Sturt Highway.

The culturally modified tree was a Black Box (*Eucalyptus largiflorens*) which had a single bark removal scar on the southern face. The bark removal scar was situated 1 metre above the ground surface and the scar dry face was 175 centimetres long and 35 centimetres wide. The bark overgrowth was approximately 10 centimetres thick. The tree was in good health.

Site Name: Tubbo TRE 03
AHIMS Number: 49-5-0150

Site Tubbo TRE 03 was a culturally modified tree that was located on a flat landform approximately 350 metres north of an unnamed drainage line. The tree formed part of the northern edge of a small cluster of native trees and was approximately 890 metres north west of Tubbo TRE 04 and 1,050 metres east of Tubbo TRE 20. The site was located in the southern portion of Lot 18 DP750903, approximately 1 kilometre west of a north south running vehicle track and 2.7 kilometres south of the Sturt Highway.

The culturally modified tree was a Black Box (*Eucalyptus largiflorens*) which had a single bark removal scar on the south eastern face. The bark removal scar was situated 10 centimetres above the ground surface and the scar dry face was 220 centimetres long and 50 centimetres wide. The bark overgrowth was approximately 10 centimetres thick. Three horizontal indentations were present on the dry face which may have been caused during the bark removal process. The tree was in good health; however, the dry face had a large crack and an uneven surface with the underlying hardwood had been removed, possibly through past termite activity.

Site Name: Tubbo TRE 04
AHIMS Number: 49-5-0151

Site Tubbo TRE 04 was a culturally modified tree that was located on a flat landform on the northern side of an unnamed drainage line. The tree formed part of a small cluster of native trees and was approximately 300 metres south west of Tubbo AFT 01 and 890 metres south east of Tubbo TRE 03. The site was located in the southern portion of Lot 36 DP750903, approximately 120 metres west of a north south running vehicle track and 2.2 kilometres south of the Sturt Highway.

The culturally modified tree was a Black Box (*Eucalyptus largiflorens*) which had a single bark removal scar on the north eastern face. The bark removal scar was situated 10 centimetres above the ground surface and the scar dry face was 215 centimetres long and 45 centimetres wide. The bark overgrowth was approximately 10 centimetres thick. Three horizontal cut marks were present approximately 10 centimetres from the top of the dry face and a horizontal indentation was present approximately 10 centimetres from the bottom of the dry face. The cut marks indicate that a metal axe head was used. The bark overgrowth was approximately 10 centimetres thick. The tree was in good health.

Site Name: Tubbo TRE 05

Site Tubbo TRE 05 was a possible culturally modified tree that was located on a flat landform approximately 1.25 kilometres west of an unnamed drainage line. The tree formed part of a small cluster of native trees and was approximately 900 metres north of Tubbo TRE 05. The site was located in the northern portion of Lot 18 DP750903, approximately 1.3 kilometre west of a north south running vehicle track and 1.8 kilometres south of the Sturt Highway.

The tree was a Black Box (*Eucalyptus largiflorens*) which had a large possible bark removal scar on the south face and a smaller possible bark removal scar above a tree branch on the north western face. The large scar was situated 20 centimetres above the ground surface and the dry face was 250 centimetres long and 60 centimetres wide. The smaller scar was located 160 centimetres above the ground surface and the dry face was 50 centimetres long and 10 centimetres wide. The bark overgrowth was approximately 10 centimetres thick. The tree was in overall good health; however, the dry faces and underlying hardwood had been damaged by a termite nest.

Due to the damage caused to the scars as a result of termite activity, it was not possible to determine if the scars were created as a result of cultural modification. Further analysis of the scars would be required prior to registration as an Aboriginal site on the AHIMS database.

Site Name: Tubbo AFT 01
AHIMS Number: 49-5-0152

Site Tubbo AFT 01 was a surface artefact scatter situated on a slightly raised landform approximately 50 metres east of an unnamed north flowing drainage line. The site was located in the south eastern portion of Lot 36 DP750903 and approximately 1.6 kilometres south west of the Sturt Highway.

The site comprised a low density scatter of quartz and lithified sandstone artefacts that were dispersed over an area measuring 200 x 160 metres. The site was assessed as having low archaeological value as the deposit was heavily deflated and had low subsurface potential.

8 Cultural Heritage Values and Statement of Significance

8.1 Significance Assessment Criteria

One of the primary steps in the process of cultural heritage management is the assessment of significance. Not all sites are equally significant and not all are worthy of equal consideration and management (Sullivan and Bowdler 1984; Pearson and Sullivan 1995:7). The determination of significance can be a difficult process as the social and scientific context within which these decisions are made is subject to change (Sullivan and Bowdler 1984). This does not lessen the value of the heritage approach, but enriches both the process and the long term outcomes for future generations as the nature of what is conserved and why, also changes over time.

The assessment of significance is a key step in the process of impact assessment for a proposed activity as the significance or value of an object, site or place will be reflected in resultant recommendations for conservation, management or mitigation.

The *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (OEH 2010a) requires significance assessment according to criteria established in the Australia ICOMOS Burra Charter, 1999 (Australia ICOMOS 1999). The Burra Charter and its accompanying guidelines are considered best practice standard for cultural heritage management, specifically conservation, in Australia. Guidelines to the Burra Charter set out four criteria for the assessment of cultural significance:

- Aesthetic value - relates to the sense of the beauty of a place, object, site or item
- Historic value - relates to the association of a place, object, site or item with historical events, people, activities or periods
- Scientific value - scientific (or research) value relates to the importance of the data available for a place, object, site or item, based on its rarity, quality or representativeness, as well as on the degree to which the place (object, site or item) may contribute further substantial information
- Social value - relates to the qualities for which a place, object, site or item has become a focus of spiritual, political, national or other cultural sentiment to a group of people. In accordance with the OEH *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW*, the social or cultural value of a place (object, site or item) may be related to spiritual, traditional, historical or contemporary associations. According to OEH, "social or cultural value can only be identified though consultation with Aboriginal people" (OEH 2011:8).

There are ten locations of recorded Aboriginal cultural heritage values within the study area. The significance assessment for the identified archaeological sites has focussed on the social/cultural, historic, scientific and aesthetic significance of Aboriginal heritage values as identified in *The Burra Charter*.

Social Values

This area of assessment concerns the value/s of a place, feature or site to a particular community group, in this case the local Aboriginal community. Aspects of social significance are relevant to sites, objects and landscapes that are important or have become important to the local Aboriginal community. This importance involves both traditional links with specific areas as well as an overall concern by Aboriginal people for sites generally and their continued protection. Aboriginal cultural significance may include social, spiritual, historic and archaeological values.

Regarding Aboriginal sites identified within the study area, no specific cultural or social values expressed by these sites have been identified to date.

Historic Values

Historical research did not identify any information regarding specific historical significance of identified Aboriginal archaeological sites within the study area. No specific historical significance for the sites within the study area has been provided by the registered Aboriginal stakeholders to date.

Scientific Values

Scientific values have been assessed for the identified Aboriginal archaeological sites in the study area. These values have been developed based on significance criteria of research potential (including integrity/condition, complexity and archaeological potential), representativeness and rarity. Identified archaeological sites in the study area displayed moderate scientific significance.

Sites of low significance are those that do not offer this potential and are unlikely to provide any further scientifically valuable information. Sites with moderate significance are those that offer the potential to yield information that will contribute to the growing holistic understanding of the Aboriginal cultural landscape of the Murrumbidgee catchment. Archaeological investigation of moderately significant sites will contribute knowledge regarding site type interrelationships, cultural use of landscape features and occupation patterns.

Aesthetic Values

Aesthetic values are often closely related to the social values of a site or broader cultural landscape. Aspects may include scenic sights, smells and sounds, architectural fabric and creative aspects of a place.

Regarding Aboriginal sites identified within the study area, no specific associated aesthetic values have been identified by registered Aboriginal community groups to date. Archaeologically, the study area does not contain these values.

8.2 Statements of Significance

The study area contains ten identified Aboriginal archaeological sites. Based on the values assessment, the following levels of significance were ascribed to the ten sites within the study area:

Sites Tubbo; Darlington Point (AHIMS 49-5-0027), Tubbo TRE 01, Tubbo TRE 02, Tubbo TRE 03, Tubbo TRE 04 and Tubbo TRE 05 represent a commonly occurring site type, consisting of culturally modified trees. The sites demonstrate moderate scientific value and it is likely that further investigation could contribute to our understanding of Aboriginal landscape use in the region. Culturally modified trees are of high cultural value and provide an intrinsic connection to the past. Based on the intactness, representativeness, research potential and social value of the sites, they display *high significance*.

Sites Tubbo (AHIMS 49-5-0028) and Tubbo (AHIMS 49-5-0030) represent a commonly occurring site type, consisting of culturally modified trees and earth mounds/hearths. The sites demonstrate moderate scientific value and it is likely that further investigation could contribute to our understanding of Aboriginal landscape use in the region. Culturally modified trees are of high cultural value and provide an intrinsic connection to the past. Based on the intactness, representativeness, research potential and social value of the sites, they display *high significance*.

Site Tubbo (AHIMS 49-5-0029) represents a commonly occurring site in the region consisting of an earth mound/hearth. The site demonstrates moderate scientific value and it is likely that further investigation could contribute to our understanding of Aboriginal landscape use in the region. Based on the intactness, representativeness and research potential of the site, site Tubbo (AHIMS 49-5-0029) displays *moderate significance*.

Site Tubbo AFT 01 represents a commonly recorded site type in the region consisting of a surface artefact scatter; however, the site location is uncommon as it was identified adjacent to an ephemeral drainage line. The artefacts at the site are typical of the region in terms of type and raw material. The site is located on a deflated deposit with low to nil potential for intact subsurface deposit; however, it is likely that further investigation of the surface artefacts could contribute to our understanding of Aboriginal landscape use in the region. Based on the intactness, representativeness and research potential of the site, site Tubbo AFT 01 displays *moderate significance*.

Table 7. Assessed significance of Aboriginal archaeological sites within the study area

Site Name	AHIMS ID	Site Feature	Significance
Tubbo; Darlington Point	49-5-0027	Modified tree (Carved or Scarred)	High
Tubbo	49-5-0028	Earth mound/hearth and modified tree (Carved or Scarred)	High
Tubbo	49-5-0029	Earth mound/hearth	Moderate
Tubbo	49-5-0030	Hearth and modified tree (Carved or Scarred)	High
Tubbo TRE 01	49-5-0148	Modified tree (Carved or Scarred)	High
Tubbo TRE 02	49-5-0149	Modified tree (Carved or Scarred)	High
Tubbo TRE 03	49-5-0150	Modified tree (Carved or Scarred)	High
Tubbo TRE 04	49-5-0151	Modified tree (Carved or Scarred)	High
Tubbo TRE 05	tbc	Modified tree (Carved or Scarred)	High
Tubbo AFT 01	49-5-0152	Artefact	Moderate

9 The Proposed Activity and Impact Assessment

Edify Energy proposes to develop, construct and operate a large-scale solar farm on the eastern side of Donald Ross Drive at Darlington Point. The proposed site has the potential to accommodate up to 275 MW (AC) of solar generated electricity, including the provision for battery technology for energy storage and resupply during peak demand.

The proposed activity would include the construction of:

- Photovoltaic (PV) solar panels
- Steel mounting frames with piled foundations
- A single-axis tracking system
- Direct current (DC) / alternating current (AC) inverter stations
- Medium voltage electrical reticulation network
- A 33/132kV switchyard and internal switchroom
- A battery energy storage system (BESS) facility, consisting of individual power pack cubicles or skid-mounted/containerised power packs and modular inverters and MV transformers, including a connection to the above switchyard
- Internal access tracks for operational maintenance and housekeeping
- Security fencing
- Staff car park and small amenities building

Edify Energy took Aboriginal heritage into consideration during the design process. Early identification of Aboriginal heritage and archaeological sensitive areas (remnant vegetation) during the archaeological assessment process resulted in the avoidance of impact to nine Aboriginal archaeological sites. In this way, the most significant sites within the study area will be conserved.

The proposal would impact one Aboriginal archaeological site: Tubbo AFT 01. Impact to this site is unavoidable due to the scale of the project and requirements for the proposal. Proposed impact to sites identified within the study area are detailed in Table 8 and shown in Figure 5.

Table 8. Proposed impact to Aboriginal archaeological sites within the study area

Site Name	AHIMS ID	Significance	Type/ Degree of harm	Consequence of harm
Tubbo; Darlington Point	49-5-0027	High	None	N/A
Tubbo	49-5-0028	High	None	N/A
Tubbo	49-5-0029	Moderate	None	N/A
Tubbo	49-5-0030	High	None	N/A
Tubbo TRE 01	49-5-0148	High	None	N/A
Tubbo TRE 02	49-5-0149	High	None	N/A
Tubbo TRE 03	49-5-0150	High	None	N/A
Tubbo TRE 04	49-5-0151	High	None	N/A
Tubbo TRE 05	tbc	High	None	N/A
Tubbo AFT 01	49-5-0152	Moderate	Direct / Total	Total loss of value

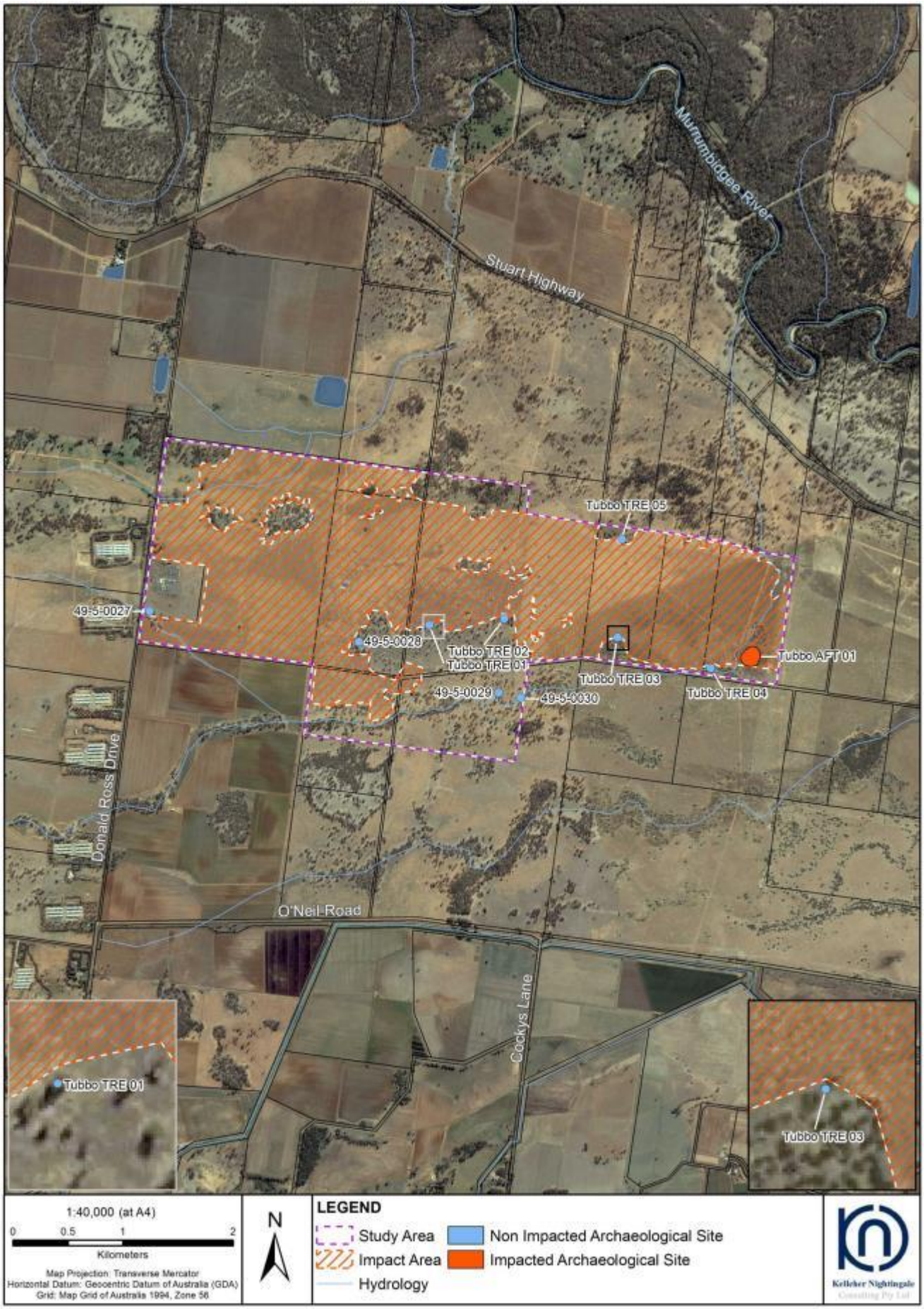

Figure 5. Proposed development impact area and Aboriginal heritage

10 Mitigating Harm

The proposal would impact one Aboriginal archaeological site: Tubbo AFT 01. Site Tubbo AFT 01 is considered to display moderate significance based on scientific value and potential to inform on Aboriginal landscape use in the area. The archaeological value of the site is linked to the physical information that the site contains. The loss of intrinsic Aboriginal cultural value of impacted site cannot be offset; however the salvaged information will increase our understanding, strengthen our interpretations and improve ongoing and future management of Aboriginal heritage in the surrounding area. The spatial extent, presence of archaeological deposits and activities related to Aboriginal occupation at archaeological sites in the surrounding area are not yet fully understood due to limited archaeological investigations. In this light, the project offers an opportunity to advance the interpretation and management of Aboriginal heritage of the surrounding area by contributing to the baseline of information available to future heritage assessments.

Furthermore, the Griffith Local Aboriginal Land Council has recommend the collection process be undertaken with the assistance of local Aboriginal people to enhance the archaeological interpretation with cultural knowledge/stories/values. Combining cultural and scientific values is as a positive outcome for Aboriginal heritage.

Suitable recommendations for the identified impacts to the site Tubbo AFT 01 have been developed based on environmental context and condition, background research and consultation with stakeholders. Measures for mitigating harm to the site are outlined in Table 9 below.

Table 9. Mitigation measures for impacted Aboriginal sites

Site Name	AHIMS ID	Significance	Impact	Mitigating Harm
Tubbo AFT 01	49-5-0152	Moderate	Total impact	Given the moderate significance of the site and degree of proposed impact, archaeological surface collection of the site is required prior to impact. Project Approval from DP&E required.

11 Management Outcomes

The following general management outcomes will be implemented in accordance with the mitigation strategy for the proposal as outlined in section 12.

11.1 Mitigation through the collection of surface artefacts

The archaeological site in Table 10 is of moderate significance and will be impacted by the project. The site will require the collection of surface artefacts to mitigate the impact. Collection can only occur after Project Approval from DP&E is obtained. The collection must be completed prior to any activities which may harm Aboriginal objects at the site location.

Table 10. Aboriginal site requiring mitigation (collection)

Archaeological sites requiring mitigation (collection)	
Archaeological Sites (requiring the collection of surface artefacts)	Tubbo AFT 01

12 Management Procedures

12.1 Management Policy for Aboriginal Heritage

The policy for the management and conservation of Aboriginal heritage in relation to salvage activities and construction activities (or fencing, geotechnical investigations, minor clearing, establishing site compounds, adjustment to services/utilities etc.) is described below:

Responsibility for compliance with Management Policy

1. The Proponent must ensure all of its employees, contractors and subcontractors and agents are made aware of and comply with this management policy.
2. The Proponent must appoint a suitably qualified and experienced environmental manager who is responsible for overseeing the activities related to this management policy.
3. The Proponent must appoint a suitably qualified and experienced Archaeologist who is responsible for overseeing, for and on behalf of the Proponent, the archaeological activities relating to the project.

Operational constraints

4. Where the surface collection of artefacts has been nominated for the impacted site, no construction activities (or fencing, geotechnical investigations, minor clearing, establishing site compounds, adjustment to services/utilities etc.) can occur on the lands to be investigated until the relevant surface collection at the nominated site has been completed.
5. Prior to the commencement of early works activity (e.g. fencing, minor clearing, establishing site compounds etc.) a construction heritage site map identifying the Aboriginal site requiring the collection of surface artefacts and the Aboriginal sites to be avoided (for all sites in proximity to the project boundary) must be prepared. The construction heritage site map should be prepared to the satisfaction of Edify Energy.
6. All employees, contractors, subcontractors and agents carrying out early works activities (e.g. fencing, minor clearing, geotechnical investigations, establishing site compounds etc) must undertake a Project induction (including the distribution of a construction heritage site map) to ensure that they have an understanding and are aware of the Aboriginal heritage issues affecting the activity.

Areas of Aboriginal archaeological sites and objects to be impacted

7. The areas of archaeological sites and objects identified as being impacted by construction activities are listed in Table 10 of this report and are in accordance with the Project Approval.

Human Remains

8. This management policy does not authorise any damage of human remains.
9. If potential human remains are disturbed the Proponent must follow the procedures outlined in section 11.2 below.

Involvement of Aboriginal groups and/or individuals

10. Opportunity must be provided to the Griffith Local Aboriginal Land Council to be involved in the following activities:
    a. assist with the surface collection.

Conservation of salvaged Aboriginal objects

11. Department of Planning and Environment (DP&E), as the approval authority, will be consulted;
12. Recovered Aboriginal objects will be transferred in accordance with a Care Agreement or similar agreement to the Griffith Local Aboriginal Land Council;

Reporting requirements

13. A written archaeological report documenting the salvage collection must be provided to Edify Energy within a reasonable time in accordance with the Project Approval following the completion of the archaeological program.

Notification and reporting about incidents that breach this management policy

14. Incident reporting requirements in accordance with the Project Approval is to include Aboriginal heritage.

12.2 Procedures for Handling Human Remains

- **Note that Project Approvals do not include the destruction of Aboriginal remains**

This section outlines the procedure for handling human remains in accordance with the Skeletal Remains – Guidelines for the Management of Human Skeletal Remains under the *Heritage Act 1977* (NSW Heritage Office 1998) and the Aboriginal Cultural Heritage Standards and Guidelines Kit (NPWS 1997). In the event that construction activity reveals possible human skeletal material (remains), the following procedure is to be followed:

1. as soon as remains are exposed, all work is to halt at that location immediately and the Project environmental manager on site is to be immediately notified to allow assessment and management;
    i. stop all activities; and
    ii. secure the site.
2. contact police, the discovery of human remains triggers a process which assumes that they are associated with a crime. The NSW Police retain carriage of the process until such time as the remains are confirmed to be Aboriginal or historic;
3. DP&E, as the approval authority, will be notified when human remains are found;
4. once the police process is complete and if remains are not associated with a contemporary crime contact DP&E. DP&E will determine the process, in consultation with OEH and/or the Heritage Office as appropriate;
    i. if the remains are identified as Aboriginal, the site is to be secured and DP&E and all Aboriginal stakeholders are to be notified in writing. DP&E will act in consultation with OEH as appropriate. OEH will be notified in writing according to DP&E instructions; or
    ii. if the remains are identified as non-Aboriginal (historical) remains, the site is to be secured and the DP&E is to be contacted. DP&E will act in consultation with the Heritage Division as appropriate. The Heritage Division will be notified in writing according to DP&E instructions;
5. once the police process is complete and if the remains are identified as not being human work can recommence once the appropriate clearances have been given.

12.3 Procedure for proposed changes to Approved Projects

Edify Energy recognises that during the construction of the project design alterations or other changes to the Approved Project may be required.

A proposed change to the Approved Project (such as an alteration of the current design, the location of ancillary facilities) within the project corridor may result in a:

- Reduced impact to Aboriginal cultural heritage; or an
- Increased impact to Aboriginal cultural heritage.

Note: the use of the word impact in this section is defined as an impact on the significance of Aboriginal cultural heritage rather than simply an increased physical impact.

To ensure consistency with the Approved Project and this document any change in the overall impact on Aboriginal cultural heritage will need to be considered. The process to determine consistency is outlined in section 12.3.1 below.

Where a proposed change to the Approved Project occurs outside of the project boundary considered for the EIS further heritage assessment will be required to determine if there would be an impact on Aboriginal cultural heritage and whether this represents a modification to the Approved Project (outlined below).

12.3.1. Changes in heritage impact

Where the Proponent seeks to make a change to the design and construction of the Approved Project which changes the assessed impact on Aboriginal cultural heritage the Proponent will need to prepare an assessment of the new impacts of this work in consultation with the appointed Archaeologist. The continued involvement of the Aboriginal stakeholders in this process is outlined in section 12.4.

- New impacts consistent with previously identified impacts

If a proposed change to the Approved Project is considered to have a neutral or lesser significant impact on Aboriginal cultural heritage than that identified in this document it would be considered a consistent impact.

If the proposed change is considered to be consistent with the Approved Project Edify Energy may approve the change with no requirements to seek further approval. However, in certain circumstances, further consultation with Aboriginal stakeholders may still be required (see section 12.4 below).

- New impacts inconsistent with previously identified impacts

If a proposed change to the Approved Project is considered to have a more significant impact on Aboriginal cultural heritage than that identified in the EIS it would be considered an inconsistent impact.

If the proposed change is considered inconsistent with the assessed impact on Aboriginal cultural heritage, as detailed in the Project Approval, Edify Energy would require an amendment to the mitigation measures agreed in this report. If this proposed change is considered inconsistent with the Approved Project Edify Energy would require a modification of the Approved Project. Further consultation with Aboriginal stakeholders will be undertaken (see 12.4 below).

12.4 Process for continued consultation with Aboriginal stakeholders

The extent to which Edify Energy will continue to consult with Aboriginal stakeholders is dependent upon the level of impact and whether the area was assessed as part of the EIS. The types of potential impacts are identified as reduced impacts, increased impacts or unknown impacts.

a) Reduced or neutral impact
If as a result of alterations to the project design a previously identified impact to an Aboriginal heritage item is reduced or neutral then no further consultation is required.

If as a result of alterations to the project design an impact to an Aboriginal heritage item is proposed that results in a reduced impact on the overall heritage significance of the project area (i.e. the cumulative impact is reduced), then further consultation with Aboriginal stakeholders will be undertaken. This consultation may entail a phone call and phone log of comments received or the provision of a report for comment (10 working days).

b) Increased Impact
Where as a result of alterations to the project design an impact on Aboriginal heritage is considered to be greater than identified by the Approved Project further consultation will be undertaken. This consultation will either entail a phone call and phone log of comments received or the provision of a report for comment (10 working days).

c) Unknown impacts: Assessment process
Where a proposed change is an area located outside of the project boundary assessed as part of the Approved Project the impact on Aboriginal cultural heritage is considered to be unknown. This area would require preliminary assessment to determine any impacts upon Aboriginal heritage. Should no impacts be identified then no consultation with Aboriginal stakeholders is required. Should potential impacts be identified consultation with Aboriginal stakeholders will be undertaken. This consultation will entail the provision of a report for stakeholder comment (10 working days) detailing the impacts and mitigation strategies proposed.

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Appendix A AHIMS search results

Office of Environment & Heritage
NSW GOVERNMENT

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : 1635
Client Service ID : 277483

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
49-5-0109	Murray Valley NP / Kooba	GDA	55	417012	6167685	Open site	Valid	Modified Tree (Carved or Scarred) : 1		
	Contact	Recorders	Griffith Local Aboriginal Land Council					Permits		
49-5-0110	Cuba N/P	GDA	55	417071	6167665	Open site	Valid	Modified Tree (Carved or Scarred) : 1		
	Contact	Recorders	Griffith Local Aboriginal Land Council					Permits		
49-5-0111	Cuba N/P 1	GDA	55	417087	6167639	Open site	Valid	Modified Tree (Carved or Scarred) : -		
	Contact	Recorders	Griffith Local Aboriginal Land Council					Permits		
49-5-0027	Tubbo;Darlington Point;	AGD	55	411103	6165194	Open site	Valid	Modified Tree (Carved or Scarred) : -	Scarred Tree	711
	Contact	Recorders	ASRSYS					Permits		
49-5-0028	Tubbo;	AGD	55	412479	6164659	Open site	Valid	Modified Tree (Carved or Scarred) : -, Artefact : -	Open Camp Site,Scarred Tree	711
	Contact	Recorders	ASRSYS					Permits		
49-5-0029	Tubbo;	AGD	55	414037	6164309	Open site	Valid	Earth Mound : -, Hearth : -	Mound (Oven)	711
	Contact	Recorders	ASRSYS					Permits		
49-5-0030	Tubbo;	AGD	55	414679	6164132	Open site	Valid	Modified Tree (Carved or Scarred) : -	Scarred Tree	711
	Contact	Recorders	ASRSYS					Permits		
49-5-0031	Tubbo;	AGD	55	414772	6163950	Open site	Valid	Modified Tree (Carved or Scarred) : -	Scarred Tree	711
	Contact	Recorders	ASRSYS					Permits		
49-5-0032	Tubbo;	AGD	55	416057	6163414	Open site	Valid	Artefact : -	Open Camp Site	711
	Contact	Recorders	ASRSYS					Permits		
49-5-0033	Tubbo;	AGD	55	416515	6163328	Open site	Valid	Modified Tree (Carved or Scarred) : -	Scarred Tree	711
	Contact	Recorders	ASRSYS					Permits		
49-5-0057	Tubbo, Darlington	AGD	55	417470	6163750	Open site	Valid	Earth Mound : -, Hearth : -	Mound (Oven)	711,739
	Contact	Recorders	Dan Witter					Permits		

Report generated by AHIMS Web Service on 20/04/2017 for Benjamin Anderson for the following area at Datum :GDA, Zone : 55, Eastings : 410246 - 418137, Northings : 6162801 - 6167776 with a Buffer of 0 meters. Additional Info : Archaeological Assessment. Number of Aboriginal sites and Aboriginal objects found is 12

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Office of Environment & Heritage
NSW GOVERNMENT

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : 1635
Client Service ID : 277483

SiteID	SiteName	Datum	Zone	Easting	Northing	Context	Site Status	SiteFeatures	SiteTypes	Reports
49-5-0037	Tubbo;Field # D-Y1;	AGD	55	417690	6163390	Open site	Valid	Artefact : -	Open Camp Site	711,739

Contact	Recorders	Dan Witter	Permits

Report generated by AHIMS Web Service on 20/04/2017 for Benjamin Anderson for the following area at Datum :GDA, Zone : 55, Eastings : 410246 - 418137, Northings : 6162801 - 6167776 with a Buffer of 0 meters. Additional Info : Archaeological Assessment. Number of Aboriginal sites and Aboriginal objects found is 12

This information is not guaranteed to be free from error omission. Office of Environment and Heritage (NSW) and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.

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Appendix B Advertisement for registration of interest

Public Notices

Notice for Registration of Interest

Edify Energy Pty Ltd proposes to develop, construct and operate a large-scale solar farm approximately 7.5 kilometres south east of the township of Darlington Point in western NSW.

Edify Energy Pty Ltd invites Aboriginal groups and/or Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places in Darlington Point, NSW to register interest in a process of community consultation with the contact shown below (on behalf of Edify Energy Pty Ltd, as proposed applicant) regarding the proposed activity.

Information obtained from this consultation may be used in the preparation of environmental assessment documentation and to assist the NSW Department of Planning and Environment in its consideration of any future project application subject to assessment and approval under Part 5.1 of the Environmental Planning and Assessment Act 1979.

To register your interest in the consultation process, please contact:

Madeline Harding
Kelleher Nightingale Consulting
Level 10, 25 Bligh Street
Sydney NSW 2000
phone 9232 5373
fax 9223 0680

The closing date for registration is 3 August 2017.

Appeared in:
The Area News, Wednesday 19 July 2017, page 9

Appendix C Aboriginal Community Comments

Ben Anderson

From: Robert Carrol - GLALC <grifflalc@bigpond.com>
Sent: Thursday, 22 February 2018 10:45 AM
To: Ben Anderson
Subject: RE: Darlington Point Solar Farm CHAR Draft Review

Ben

I don't have any further comments to make in relation to the CHAR for the Darlington Point Solar Farm.
The Griffith LALC still requests that the collected artefacts be given to us for safe storage and future use as educational resources.
Thank you for your assistance.

Regards

Robert Carroll
CEO

From: Ben Anderson [mailto:ben.anderson@knconsult.com.au]
Sent: Thursday, 22 February 2018 9:54 AM
To: grifflalc@bigpond.com
Subject: Darlington Point Solar Farm CHAR Draft Review

Hi Robert,

I hope all is well. I'm in the process of finalising the CHAR for the Darlington Point Solar Farm as the review period has now finished (closed on Monday 15 January 2018).
As mentioned previously, the report currently recommends that the collected artefacts be given into the care of the LALC. If this recommendation is not appropriate or the LALC does not wish to receive the artefacts, please let us know and we will change the recommendation to reburial.

If you have any other comments you'd like to make on the draft CHAR, please send these through to me via email before 5pm today.

Thanks and regards,

Ben Anderson
GIS Mapping / Archaeologist
Kelleher Nightingale Consulting Pty Ltd
Level 10, 25 Bligh St, Sydney NSW 2000
p 02 9232 5373

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Appendix D Consultation Log

Record of Consultation and Consultation Log
Aboriginal cultural heritage consultation requirements for proponents 2010 (OEH)

Step	Task Requirement	Action	Outcome
4.1.1	Identify if native title exists in relation to the project area.	Conducted search of Native TitleVision on 11/05/2017. Search showed no Native Title claimants, native title holders and registered Indigenous Land Use Agreements in the vicinity of the study area. Wrote to National Native Title Tribunal (NNTT) for a list of registered native title claimants, native title holders and registered Indigenous Land Use Agreements (letter dated 12/05/2017.	Native TitleVision search showed no Native Title claimants, native title holders and registered Indigenous Land Use Agreements in the vicinity of the study area. Response received from NNTT (email dated 12/05/2017) advising that there are no Indigenous Land Use Agreements, Scheduled or Registered Native Title Claims or Determined Claims in the vicinity of the study area.
4.1.2	Ascertain, from reasonable sources of information, the names of Aboriginal people who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places. Compile a list of Aboriginal people who may have an interest for the proposed project area and hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places	Wrote to: Regional Operations Division, Office of Environment and Heritage (OEH); Griffith Local Aboriginal Land Council (GLALC); The Registrar, *Aboriginal Land Rights Act 1983* for a list of Aboriginal owners; The National Native Title Tribunal (NNTT) for a list of registered native title claimants, native title holders and registered Indigenous Land Use Agreements; Native Title Services Corporation (NTSCORP Limited); Murrumbidgee Council; and Riverina Local Land Services (LLS) (previously Catchment Management Authority) (letters dated 12/05/2017).	Responses received from: OEH (16/05/2017) Provided a list of potential stakeholders based on the LAG, including: Griffith LALC Cummeragunja LALC Narrandera LALC Bangerang Aboriginal Corporation [NB. the project area falls within the Griffith LALC boundaries]. ORALRA (15/05/2017) Advised that the project area did not appear to have any Registered Aboriginal Owners pursuant to Division 3 of the *Aboriginal Land Rights Act 1983* (NSW). Advised contacting Griffith LALC for potential stakeholders. NNTT (12/05/2017) Advised that there are no Indigenous Land Use Agreements, Scheduled or Registered Native Title Claims or Determined Claims in the vicinity of the study area. A list was compiled from these responses of Aboriginal people who may have an interest in the study area and may hold knowledge relevant to determining the cultural significance of Aboriginal objects and/or places.

Step	Task Requirement	Action	Outcome
4.1.3	Write to the Aboriginal people whose names were obtained in step 4.1.2 and the relevant LALC(s) to notify them of the proposed project. Place a notice in the local newspaper circulating in the general location of the proposed project, explaining the project and its exact location. Notification by letter and newspaper must include: (a) the name and contact details of the proponent (b) a brief overview of the proposed project that may be the subject of an application for an AHIP, including the location of the proposed project (c) a statement that the purpose of community consultation with Aboriginal people is to assist the proposed applicant in the preparation of an application for an AHIP and to assist the Director-General of OEH in his or her consideration and determination of the application (d) an invitation for Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal object(s) and/or place(s) in the area of the proposed project to register an interest in a process of community consultation with the proposed applicant regarding the proposed activity (e) a closing date for the registration of interests.	Wrote to the Aboriginal people whose names were provided by parties listed above, including: Griffith Local Aboriginal Land Council [NB. the project area falls within the Griffith LALC boundaries]. Bangerang Aboriginal Corporation (letters dated 17/07/2017) Advertisement placed in the *Area News* advising Aboriginal groups or individuals of the project and calling for registrations of interest in the consultation process. Advertisement published on Wednesday 19/07/2017, p.9 The closing date for registration of interest was the 03/08/2017.	The registration of interest process resulted in registration one one Aboriginal stakeholder for the project: Griffith LALC KNC received a phone call from Freddy Dowling of Bangerang Aboriginal Corporation (phone call 19/07/2017) to clarify which side of the Murrumbidgee River the project was located on. Upon confirming it was the south side, he stated that his group's boundaries did not extend that far so they would not be registering for consultation.

Step	Task Requirement	Action	Outcome
4.1.4	A minimum of 14 days from the date the letter was sent or notice published in the newspaper to register an interest.	Closing date for registration of interest included in the notification letters and notice in the newspaper was at least 14 days from the date of publication. The closing date for registration of interest was the 03/08/2017	Copies of notification letters and newspaper notices attached.
4.1.5	Must advise Aboriginal people who are registering an interest that their details will be forwarded to OEH and the LALC unless they specify that they do not want their details released.	No Aboriginal stakeholders specified they did not want their details released.	No Aboriginal stakeholders specified they did not want their details released.
4.1.6	Make a record of the names of each Aboriginal person who registered an interest. Provide a copy of that record and copy of the notification from step 4.1.3 to the relevant OEH EPRG regional office and LALC.	List of registered stakeholders compiled. No stakeholders specified that they did not want their details released.	Record of registration for the project sent to Griffith LALC and OEH (letters dated 18/08/2017)
4.1.7	LALCs holding cultural knowledge relevant to determining the significance of Aboriginal objects and places in the proposed project area who wish to register an interest to be involved in consultation must register their interest as an Aboriginal organisation rather than individuals.	Griffith LALC registered interest as an organisation. Provided contact details for the LALC and the name of the LALC representative who would act as the point of contact for the organisation (CEO Robert Carroll).	Griffith LALC registered interest as an organisation. Provided contact details for the LALC and the name of the LALC representative who would act as the point of contact for the organisation (CEO Robert Carroll).
4.1.8	Where an Aboriginal organisation representing Aboriginal people who hold cultural knowledge has registered an interest, a contact person for that organisation must be nominated. Aboriginal cultural knowledge holders who have registered an interest may indicate they have appointed a representative to act on their behalf. Where this occurs, the registered Aboriginal party must provide written confirmation and contact details of those individuals to act on their behalf.	Inform stakeholders registering their interest as an organisation that contact information and contact person must be nominated.	Aboriginal stakeholders have registered as an organisation name. Contact details and names of representatives were also provided.

Step	Task Requirement	Action	Outcome
4.2	Presentation of information about the proposed project	Stakeholders were provided with an outline of the project in letters dated 17/07/2017 and further details were provided in letters/emails dated 18/09/2017. Informal discussions were also held over the phone during the organisation of the field survey and in the field with the LALC representative. Invited review and response from the Aboriginal stakeholders regarding the project scope and proposed works.	No formal responses received regarding the provision of project information.
4.3.1-4.3.2	Notification of proposed assessment methodology	Stakeholders were supplied with the proposed cultural heritage assessment methodology in letters/emails dated 18/09/2017. Stakeholders were invited to review the methodology and provide comment, including any cultural information that may affect, inform or refine the methodology. A 28 day review period was provided (closure of review period on 16/10/2017)	No formal responses received regarding the provision of the proposed cultural heritage assessment methodology.
4.3.3	Gathering information about cultural significance	At all stages of the consultation process, stakeholders were invited to provide information on the cultural significance of the project area, including any Aboriginal objects. Cultural information was received at various stages of the consultation process.	Cultural information was received at various stages of the consultation process and is summarised below . Responses to the draft CHAR are included separately under section 4.4. Griffith LALC has identified that culturally modified trees are of high cultural value and provide an intrinsic connection to the past
4.4	Review of draft cultural heritage assessment report	The completed draft C*ultural Heritage Assessment Report* was provided to Griffith LALC for review and comment (letter/email dated 07/12/2017). A 40 day period was provided for review and comment (closure of comment period 15/01/2018). An extended review period was provided in consideration of the Christmas holiday period. Stakeholders invited to comment on cultural significance of study area and identified Aboriginal heritage. KNC contacted Griffith LALC again via email on 22/02/2018 to further discuss the assessment.	Griffith Local Aboriginal Land Council were contacted to discuss the completion of the report and the recommendations relating to storage of artefacts (email dated 22/02/2018). KNC enquired as to whether the Land Council had any further comments or feedback on the project, and requested a confirmation that the Land Council would be happy to act as caretaker for the collected objects, as per the report recommendations. Griffith Local Aboriginal Land Council confirmed that they had no comments to make on the draft CHAR and confirmed their request that the collected artefacts be given to the Land Council for safe storage and future use as educational resources