



Our Ref: DOC20/426271
Your Ref: SSD 9438

Director Energy Assessments
Department of Planning, Industry and Environment
Locked Bag 5022
Parramatta NSW 2124

Attention: Mr Iwan Davies

Dear Ms Brewer

RE: Bonshaw Solar Farm – SSD9438 – Outstanding Aboriginal Cultural Heritage Issues

I am writing to provide you advice about the outstanding issues regarding the Aboriginal Cultural Heritage (ACH) assessment process carried out to inform the proposed Bonshaw Solar Farm project (SSD 9438).

The Biodiversity and Conservation Division (BCD) of the Environment, Energy and Science Group in the Department of Planning, Industry and Environment has been involved, in an advisory capacity, in assisting with the determination process for this project.

On 2 December 2019 we provided a letter outlining several recommendations we considered should be addressed prior to the determination of the development application for this project, including that a concerted effort be made to rediscover the previously recorded Aboriginal Heritage Information Management System (AHIMS) site 11-3-0083, which we considered highly important to the contextual understanding of the ACH values of the project area.

The ACH assessment for the project that we had reviewed stated that the consultant archaeologist had been unable to relocate the site in question and that the site had originally been identified as being of high significance. It was recorded as containing an Aboriginal scar tree, surface artefacts and likely subsurface deposits and representative of a much broader occupation complex likely to exist along the entire riparian corridor at this location.

On 21 February 2020 we received an updated Aboriginal Cultural Heritage Assessment Report in response to our submissions. Our review of that report noted that the issues we had raised about AHIMS 11-3-0038 had been overlooked.

On 21 May 2020 we participated in a teleconference with yourself and the Department's Mr Javier Canon, where it was agreed that our recommendation had not been addressed and that further discussions with the project archaeologist may be helpful in understanding the intensity and locations of the survey effort undertaken to relocate the site.

The BCD North East Branch Archaeologist has since made his own technical assessment of all the information recorded to date regarding AHIMS 11-3-0038. The result of his assessment suggests that technical errors on behalf of both the original recording archaeologist in 2011 and the current consultant archaeologists have resulted in a misunderstanding about the location of AHIMS 11-3-0038.

The original recording of the site, carried out in 2011, included coordinates, visual and textual information identifying the site location. After review of this information the BCD has determined the original coordinates of the site were recorded in one projection (AGD) but were mislabelled on the Aboriginal site recording form as another projection (GDA). This error would place the site approximately 210m southeast of its actual location on the ground. The error on the original recording form was translated into the AHIMS register by the Office of Environment and Heritage as per the form submitted.

When the consultant archaeologist for the project carried out their desktop analysis and field assessment, they failed to correlate the coordinates with the other information regarding the site location and therefore failed to identify the correct location of the site.

The BCD has reprojected the original coordinates into the GDA system and determined that the area identified in the 2011 survey and registered as AHIMS 11-3-0038 was identified during the most recent ACH survey and given a new site identifier as it was not recognised as the existing site. Figures 1 and 2 at Attachment 1 to this letter show the recorded location of AHIMS 11-3-0038 as previously understood and the actual location as determined by the BCD. Based on this information, we are confident that the original site, as recorded by OzArk in 2011, has been extensively surveyed as part of the most recent ACH Assessment for the Bonshaw Solar Farm.

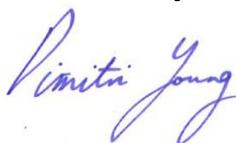
However, this also means it now appears that a recorded Aboriginal scar tree may have been removed or destroyed in the last 10 years, which, if true, may constitute an offence under the *National Parks & Wildlife Act 1974*. Accordingly, the matter has been referred to the BCD North East Branch Compliance Team, which has advised that an investigation into the matter has commenced.

The BCD recommends that:

1. the consultant archaeologist must update the ACHAR for the project to reflect the information set out in this letter and include a map showing the re-projected location of AHIMS 11-3-0038.
2. conditions of approval should be included to:
 - a. require the preparation of an Aboriginal Cultural Heritage Management Plan in consultation with the project registered Aboriginal parties and the Senior Team Leader Planning, North East Branch, Biodiversity and Conservation Division, to the satisfaction of the Department, before ground-disturbing activities commence on the project.
 - b. set out a chance-finds procedure for Aboriginal Cultural Heritage.
 - c. require the identification of an appropriate area surrounding the re-projected location of AHIMS 11-3-0038 in consultation with the Senior Team Leader Planning, North East Branch, Biodiversity and Conservation Division, where there will be no impacts or management actions, to enable any compliance investigation considered necessary to proceed. Works can only commence in the identified area after written advice is received from the Biodiversity and Conservation Division to this effect.

The BCD has no further issues to raise about the level of ACH assessment for the project and would support a conditional approval of the development application as set out in our recommendations above. If you have any questions about this advice, please do not hesitate to contact Mr Roger Mehr, Archaeologist, at roger.mehr@environment.nsw.gov.au or 6773 7005.

Yours sincerely



11 June 2020

DIMITRI YOUNG
Senior Team Leader Planning, North East Branch
Biodiversity and Conservation

Attachment 1: Figures demonstrating recorded and actual of AHIMS 11-3-0038



**Bonshaw Solar Farm
AHIMS 11-3-0038 location
No overlay**

Copyright of map area are of Planning, Industry and Environment are.
This map is not guaranteed to be free from error or omission. The map area are and its employees, disclaim
liability for any act done on the information in the map and any consequences of such acts or omissions.

0 0.015 0.03 0.045 0.06 0.075 0.09
Datum: Projection: GCS: GDA, 1994



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