

D.2 Heritage

D.2.1 Heritage Memo

16 July 2024

Mr Eric Tran
Project Development Manager
ENERPARC AUSTRALIA
223 Liverpool Street,
Darlinghurst, NSW, 2010

e.tran@enerparc.com

Dear Eric,

Re: 24-071 – Tilbuster Solar Farm Modification 1

Introduction

As you are aware, NGH Pty Ltd (NGH) has been engaged by Enerparc Australia Pty Ltd (the Applicant) to complete a desktop assessment for a proposed modification to the development approval for the Tilbuster Solar Farm, originally granted on 3 March 2022. The approximately 310-hectare Project Area comprises part of 11915 New England Highway and part of 12029-12049 New England Highway, Black Mountain NSW. The relevant lots include Lot 1 of DP 225170, Lot 1 of DP 585523 and Lot 3 of DP800611. The project is within the Armidale Local Government Area (LGA).

NGH previously prepared the Statement of Environmental Effects (SEE) which included an Aboriginal Cultural Heritage Assessment (ACHA) (NGH 2020).

Scope of Works Relevant for Aboriginal Heritage

NGH Pty Ltd on behalf of Enerparc Australia Pty Ltd (the Applicant) has prepared this Modification application under Section 4.55 1A of the *Environmental Planning and Assessment Act 1979*. It seeks to facilitate four changes to the Project however only the change listed below requires to be addressed in regard to the Aboriginal heritage assessment of the project :

1. Updated Development footprint - to facilitate the constructability of the Project. See Figure 1 below.

Bega

Suite 11, 89-91 Auckland Street (PO Box 470) Bega NSW 2550

T. (02) 6492 8333 E. ng@nghconsulting.com.au W. nghconsulting.com.au ABN 31 124 444 622 ACN 124 444 622

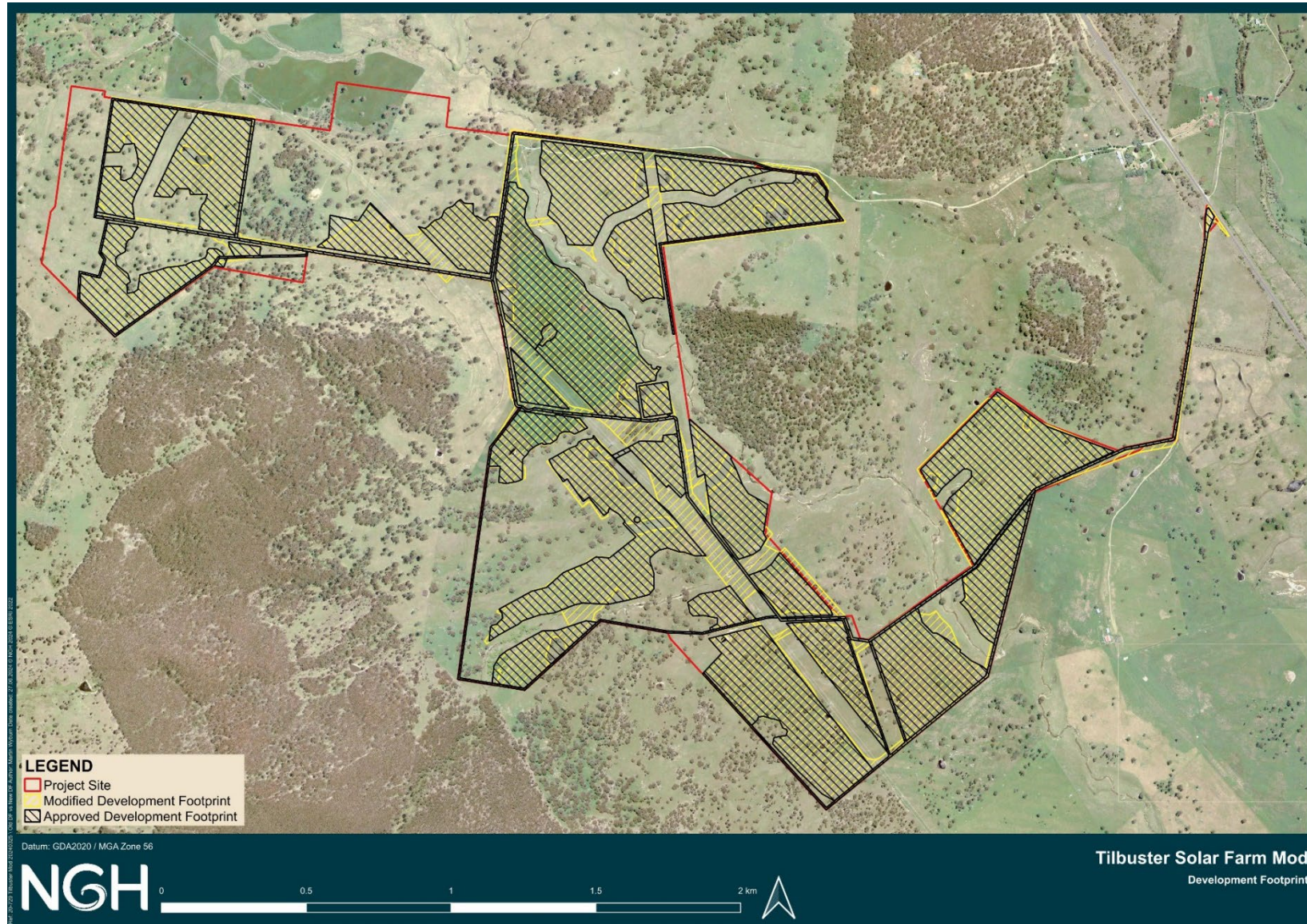


Figure 1 Development footprint

1. Project Information

Previous Aboriginal Heritage Assessment of the Project Area

In 2019 the Project Area was subject to an Aboriginal Cultural Heritage Assessment (NGH 2020) including a field survey. The survey resulted in 49 isolated finds, 28 artefact scatters, six scarred trees and three cultural trees being identified and recorded. It should be noted that a small number of sites were identified and recorded outside the boundary of the Project Area site where landforms containing cultural material continued outside the boundary.

A subsequent program of subsurface excavation was undertaken following the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2011). A total of sixteen 50 centimetres by 50 centimetres test pits were excavated, from which 30 stone artefacts were recovered. The pits were excavated across two areas: near AS24 (Pits 1 to 9) and AS25 (Pits 10 to 16). From the 16 test pits, a total of 1.2125 m³ was excavated and dry sieved. Test pits depth ranged from 20 centimetres to 40 centimetres, with the majority of test pits excavated to a depth of 30 centimetres below the surface.

Impacts to Sites and Consultation

Consultation was undertaken for the Project ACHA in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010b)* and eight Aboriginal parties registered for consultation. The details of this consultation are provided in the project ACHA report (NGH 2020)

The proposed changes to the Development Footprint in this modification have altered the assessed impacts of the project to two previously recorded Aboriginal Heritage sites, Tilbuster Solar CT2 (AHIMS # 21-1-0316) and Tilbuster Solar ST6 (AHIMS # 21-1-0339), and a program of consultation was undertaken by OzArk Environment and Heritage consultants to inform the RAPs of these changes.

The paragraph below summarises the actions taken to consult with Aboriginal community stakeholders regarding the amended development footprint and subsequent proposed altered project impacts to the two Aboriginal heritage sites.

On Thursday 7 December 2023, all RAPs were invited to attend an Aboriginal Focus Group Meeting (AFGM) to discuss the revised impacts and the possibility of both sites being salvaged. Responses were received from DFTV Enterprises Indigenous Corporation and Iwatta Aboriginal Corporation accepting the invitation.

A reminder was emailed to RAPS on the morning of Friday 15 December 2023 with the AFGM held online later that day. An email was received from Colin Ahoy with apologies for being unable to attend the meeting. One representative of the Iwatta Aboriginal Corporation, Steven Ahoy, attended the meeting.

The AFGM resulted in the determination that as Tilbuster Solar CT2 and Tilbuster ST6 are unavoidable, they may be impacted by the project, and that the forthcoming HMP should describe any specific management. It was the opinion of Steven Ahoy that neither Tilbuster Solar CT2 or Tilbuster ST6 bear Aboriginal cultural modifications and therefore are technically not Aboriginal sites. As a result, the revised project layout will not impact any sites of Aboriginal significance... (OzArk 2024:2)

Following the AFGM, the minutes of the meeting were provided to all RAPs requesting feedback by Friday 19 January 2024 to provide any comments regarding the outcome of the meeting. No responses were received (OzArk 2024:2).

The Variation to Approved Impacted Sites Supporting Document and the minutes of Aboriginal Focus Group Meeting (AFGM) obtained from the OzArk report (2024) are provided as an appendix to this letter of advice.

Development footprint outside of the Project Area assessed

The amended Development Footprint extends beyond the previously mapped Project Area. The vast majority of these areas are less than 10m in width and of varying length from 30m to 700m in length.

With one exception, namely AHIMS # 21-1-0558, all other previously identified sites that are in close proximity to the Development Footprint and are noted as being impacted in the ACHA are proposed for salvage prior to works commencing.

Updated AHIMS Search

On 28 June 2024, a search of the AHIMS database was undertaken over an approximately 12 (E/W) x 9 km area centred on the Project Area.

- The AHIMS Client Service Number is 905261.
- AHIMS Web Service search for the following area at Lat, Long From : -30.4139, 151.5741 - Lat, Long To : -30.3399, 151.6977.

There is a total of 110 Aboriginal sites recorded within this search area, and no Aboriginal Places. To replicate the AHIMS search area from the 2020 ACHA report, the search area was reduced to the same 3km buffer of the Project Area in the NGH GIS. This reduced the number to 103 AHIMS sites registered as being in the 3km buffer search area. This contrasts with six sites noted as being in the 3km buffer search area for the ACHA (NGH 2020).

Of these 103 sites, 77 are located within the Project Area of which 76 were identified and recorded during the Project ACHA (NGH 2020), with one modified tree site (Duval mountain ST5) (AHIMS # 21-1-0558) being the exception which is discussed below in the Assessment section. Of the remaining 26 AHIMS sites that were within the 3km search area but outside the Project Area, ten were identified and recorded during the Project ACHA and are detailed in the ACHA report. The remaining 16 sites are registered on AHIMS within the 3km search area but outside the Project Area, of which six were registered on AHIMS prior to the ACHA and 10 have been registered since 2020. A breakdown of these 16 site types is shown in Table 1 and Figure 3 below. The ceremonial/dreaming, modified trees and stone arrangement sites were recorded at Duval mountain approximately 2.3 km south west of the Project Area.

Table 1 Sites in the 3km search area that were not recorded in the Project ACHA

Site Type	Number
Artefact (1 or more)	10
Ceremony and Dreaming	4
Modified Tree	1
Stone arrangement	1
Total	16

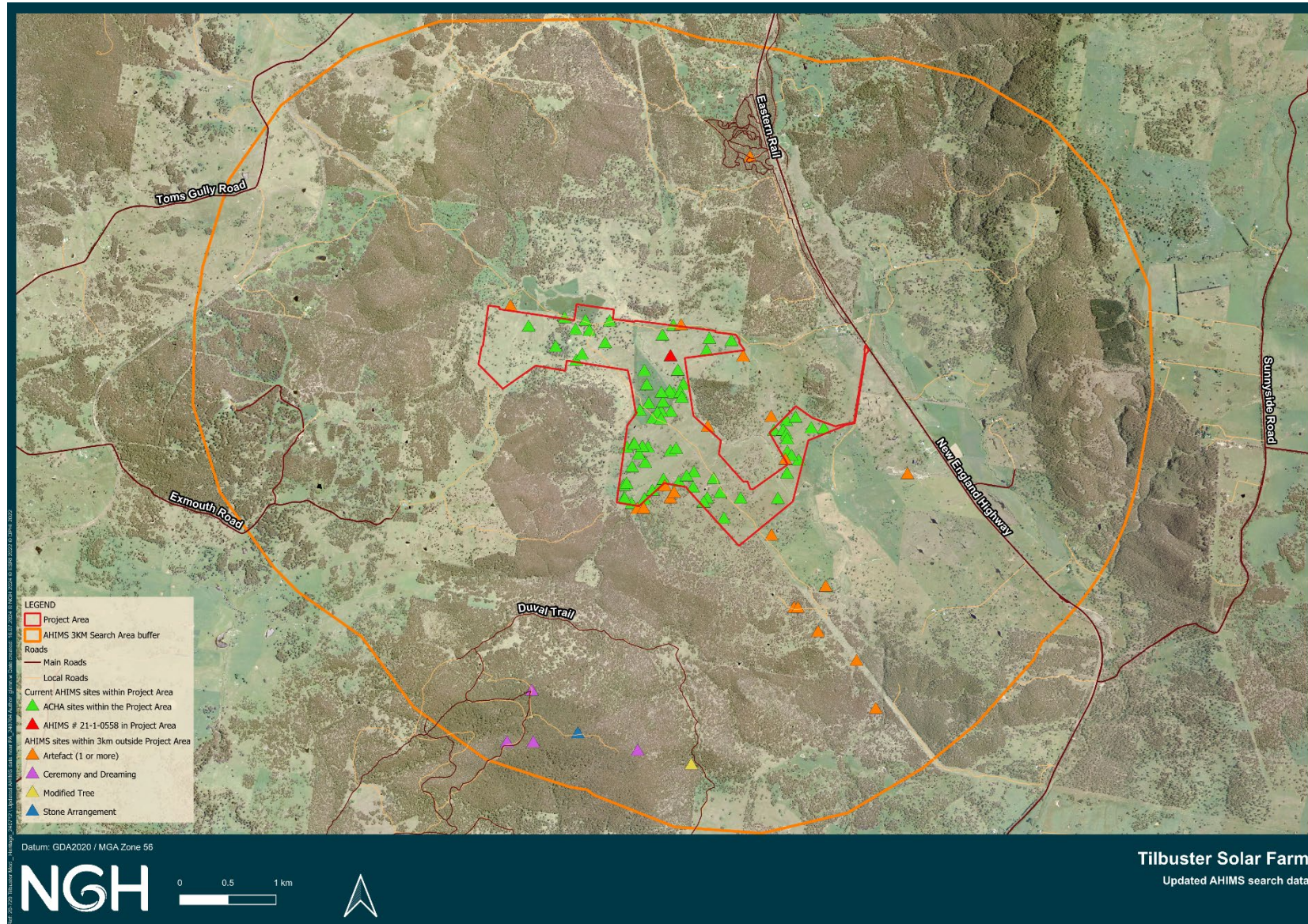


Figure 2 Registered AHIMS sites within and in proximity to the Project Area.

2. Assessment Discussion

Previously recorded Tree features

As noted above the amendments to the Development Footprint layout to the Solar Farm elements has been required, which has in turn altered the proposed impacts of the project to two trees that were recorded during the ACHA as Aboriginal heritage features, namely Tilbuster Solar CT2 (AHIMS # 21-1-0316) and Tilbuster Solar ST6 (AHIMS # 21-1-0339).

A desktop only assessment undertaken by OzArk Environment and Heritage (OzArk) consultants of Tilbuster Solar CT2 (AHIMS # 21-1-0316) and Tilbuster Solar ST6 (AHIMS # 21-1-0339) including the above-mentioned consultation process, has concluded that these sites are unlikely to be Aboriginal modified trees. This conclusion was supported by the RAP representative who attended the Aboriginal Focus Group Meeting and no comment was received from other Project RAPs when this conclusion was communicated to them.

The original NGH site recordings differentiated between the two trees in question and determined that based on the evidence that Tilbuster Solar CT2 (AHIMS # 21-1-0316) was not an Aboriginal object as specified in the relevant legislation, while Tilbuster Solar ST6 (AHIMS # 21-1-0339) at the time of the survey was considered to possibly meet the criteria for a scarred tree.

These site recordings have also been reassessed by Matthew Barber, NGH Technical Director – Heritage with 33 years of experience, and Glenn Willcox (NGH Senior Heritage Consultant) and Kirsten Bradley (NGH Principal Heritage Consultant) in light of the recent correspondence and Aboriginal community feedback. While the sites have not been subject to reassessment in the field, certain elements of the scarring morphology of Tilbuster Solar ST6 (AHIMS # 21-1-0339), including the regrowth pattern and likely age of regrowth and the appearance of likely mechanical damage, have led NGH senior team to accept that it is reasonable to conclude that this is not a definitive Aboriginal object as specified in the relevant legislation.

OzArk have made the following recommendations in the *Variation to Approved Impacted Sites Supporting Document (OzArk 2024)* as follows:

- *Alter the Development Consent to include Tilbuster Solar CT2 and Tilbuster ST6 as sites to be impacted by the project. These sites should move from Appendix 6 Table 1, to Appendix 6 Table 2 of the Development Consent*
- *The forthcoming HMP should include these two trees as being impacted by the proposal. As the sites have been concluded as being not Aboriginal in origin, salvage of them is unwarranted.*

Additionally, the AHIMS database will need to be updated to reflect the status of Tilbuster Solar CT2 (AHIMS # 21-1-0316) and Tilbuster Solar ST6 (AHIMS # 21-1-0339) as 'not a site'.

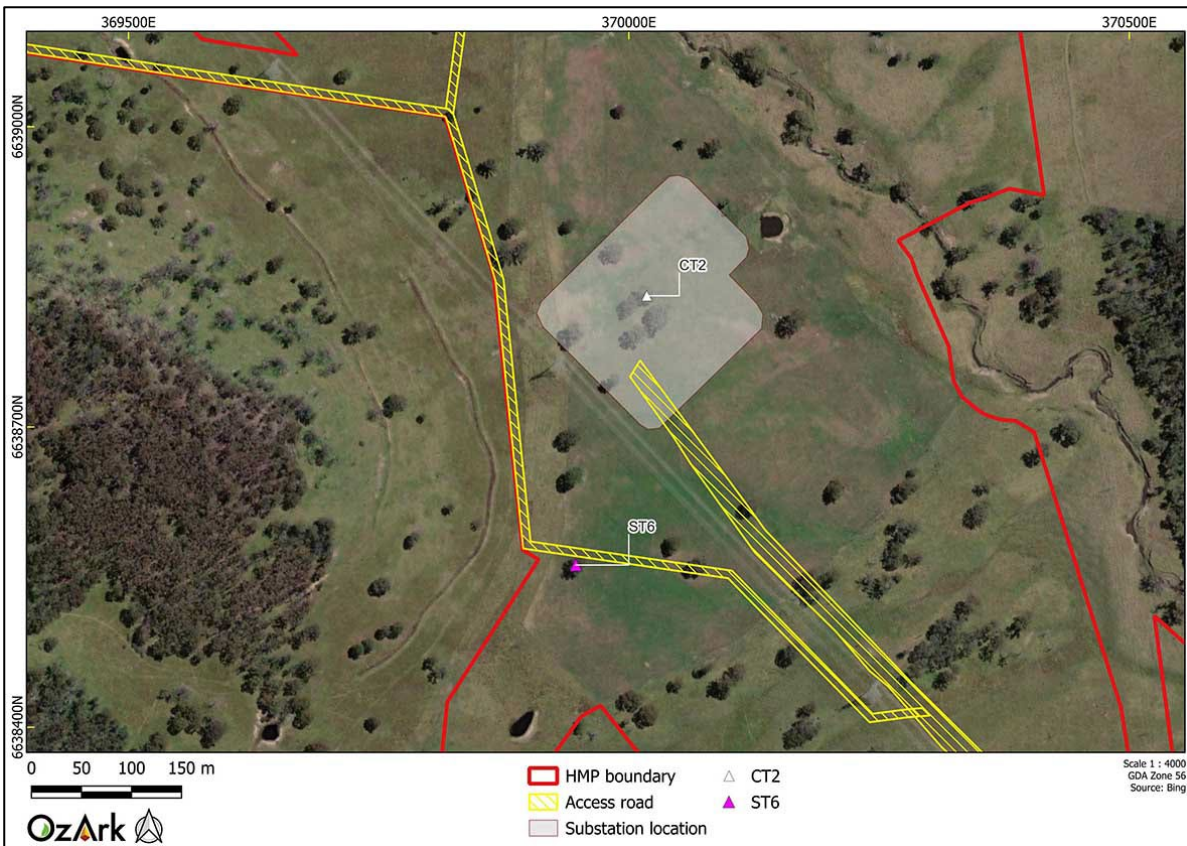


Figure 3 Location of Tilbuster Solar CT2 and Tilbuster Solar ST6 in relation to the revised location of the TransGrid substation and access road (OzArk 2024)

In September 2022 Site AHIMS # 21-1-0558 (Duval mountain ST5) was registered by Steven Ahoy as a Modified Tree with an elongated ‘coolomon’ scar noted on a tree that is dead on the ground that had been disturbed. No detailed measurements or images of the tree or scar are provided in the site card. However, the site card states that restriction is required for this site as it is associated with a ‘Mens ceremony site’. The grid coordinates place the tree within the Tilbuster Solar Farm Project Area and within the original development footprint. The registered location for this site is less than 1m outside the amended development footprint- see Figure 4 below. Steven Ahoy confirmed on the 12th of July 2024 via telephone that he would review the site card and consider whether the location is correctly recorded. Based on the detail provided in the site card, NGH hold the view that this site is likely located outside the Project Area as the location description places the site along a fire trail at Duval Mountain. At the time of finalising this advice letter no further comment had been received from Steven Ahoy and the location of this site remains to be resolved. If amendment of site location details is required, the AHIMS registry site card will need to be updated to reflect any changes.

Amended Development Footprint

The Aboriginal heritage assessments of the Project Area undertaken to date (NGH 2020 & OzArk 2024) provide a comprehensive understanding of the Aboriginal heritage values of the Project Area and the proposed update to the Development Footprint to facilitate the constructability of the Project.

Based on the locations, as shown in Figure 3 above the nearest of these registered sites (AHIMS # 21-1-0074) to the Project Area is located approximately 33m outside the northern boundary of the amended development footprint and was recorded in 2000 as an artefact scatter of low significance, comprised of 4 artefacts in a 20m x 8m area. It is not anticipated therefore that this site would be impacted by the revised footprint. None of the other 16 sites registered on AHIMS within the 3km search area but outside the Project Area will be impacted by the Project Activity.

NGH consider that the survey coverage achieved previously during the ACHA fieldwork is adequate for assessment of these areas given the known spacing of the five survey participants, as shown in the ACHA report and the very high visibility (average 80%) that was evident across most of the Project Area. The spacing between survey participants and the proximity of the footprint modifications, combined with an appraisal of the terrain and landforms and the mostly very narrow nature of the modification indicates that there is very low potential for additional Aboriginal sites to be within the amended footprint areas.

With the exception of AHIMS # 21-1-0558 (as discussed above) Aboriginal heritage sites recorded within 3km of the Project Area since the finalisation of the ACHA will not be impacted by the proposed update to the Development Footprint.

Assessment of potential impacts to previously unidentified Aboriginal heritage values from the proposed update to the Development Footprint of the Project have been adequately assessed. It is considered that there is very low potential for previously unidentified Aboriginal objects to be present, and therefore impacted by the proposed works within the amended areas of the Development Footprint.



Figure 4 Registered location of AHIMS site 21-1-0558

Conclusions/Recommendations

Based on the above desktop assessment for the proposed modification works, and previous Aboriginal heritage assessment of the Project Area, it has been concluded that:

- The Aboriginal Heritage Values of the proposed amended Development Footprint modification areas have been previously sufficiently assessed by archaeologists (NGH 2020 & OzArk 2024).
- There is very low potential for previously unidentified Aboriginal objects or values to be present, and therefore impacted by the proposed works, within the amended areas of the Development Footprint.
- The Development Consent should be altered to include the two AHIMS registered sites to be impacted by amended Development Footprint, namely Tilbuster Solar CT2 (AHIMS # 21-1-0316) and Tilbuster Solar ST6 (AHIMS # 21-1-0339). These sites should move from Appendix 6 Table 1 to Appendix 6 Table 2 of the Development Consent.
- Tilbuster Solar CT2 AHIMS # 21-1-0316 and Tilbuster Solar ST6 (AHIMS # 21-1-0339) have been determined to not be Aboriginal objects and the AHIMS database should be updated to reflect their status as 'Not a Site'.
- The Heritage Management Plan for this Project should include Tilbuster Solar CT2 AHIMS # 21-1-0316 and Tilbuster Solar ST6 (AHIMS # 21-1-0339) as being impacted by the proposal. As the sites have been concluded as being not Aboriginal in origin, salvage of them is unwarranted.
- The registered location for site AHIMS # 21-1-0558 should be further assessed to establish whether the site is located within the Project Area.

If you have any questions, please contact me or Matthew Barber on (02) 6153 6320. We would be pleased to discuss any aspect of this project with you further.

Yours sincerely,



Glenn Willcox

Senior Heritage Consultant
0427 305 462

References

NGH 2020, Tilbuster Solar Farm Aboriginal Cultural Heritage Assessment Report

OzArk 2024a, Tilbuster Solar Farm Project Impact Modification: Heritage Management Plan Variation Letter, Variation to Approved Impacted Sites Supporting Document

OzArk 2024b, AFGM Minutes PROJECT: Tilbuster Solar Farm Stage 1

Appendix A Appendix OzArk Letter and Meeting Minutes

Letter



OzArk Environment & Heritage

Dubbo T: 02 6882 0118
Queanbeyan enquiry@ozarkehm.com.au
Wollongong www.ozarkehm.com.au
Newcastle
Katoomba

ABN 59 104 582 354

145 Wingewarra St
PO Box 2069
DUBBO NSW 2830

7 February 2024

TILBUSTER SOLAR FARM PROJECT IMPACT MODIFICATION: HERITAGE

1 INTRODUCTION

OzArk Environment & Heritage (OzArk) have been engaged by GHD on behalf of Enerparc to prepare the Heritage Management Plan (HMP) for the approved Tilbuster Solar Farm and to assist with other Aboriginal heritage matters as they arise. This project is SSD 9619, approved on March 3, 2022.

A change of layout to certain essential Solar Farm elements has been required, which has in turn altered the proposed impacts of the project to Aboriginal heritage. This letter summarises the actions taken to ensure Aboriginal community stakeholders have been consulted regarding these altered project impacts and the flow-on effect to two Aboriginal heritage sites - Tilbuster Solar CT2 (AHIMS # 21-1-0316) and Tilbuster Solar ST6 (AHIMS # 21-1-0339) (**Figure 1**).

2 BACKGROUND

During the assessment that underpinned the Aboriginal Cultural Heritage Assessment Report (ACHAR, NGH 2020) that supported the Environmental Impact Statement (EIS), six scarred trees and three cultural trees were recorded (amongst the other 77 Aboriginal stone artefact sites).

The ACHAR, however, provided the following assessment of Tilbuster Solar CT2 and Tilbuster Solar ST6:

- Tilbuster Solar CT2 is assessed to be of high cultural significance, low scientific significance and no aesthetic or historic significance. This is due to the scarring not being consistent with accepted Aboriginal scarring morphology
- Tilbuster Solar ST6 is assessed to be of high cultural significance, moderate to high scientific significance and no aesthetic or historic significance.

In terms of project impacts, the ACHAR noted that both Tilbuster Solar CT2 and Tilbuster Solar ST6 were to be impacted by the project, but that the preferred option was for the impact footprint to be amended (NGH ACHAR, Table 7-1). The recommendations of the ACHAR separate out these two trees as being within the footprint and unavoidable, but still to be the subject of exclusion from harm *if possible* and slated for further Aboriginal community consultation.

In this way, the ACHAR grouped these two trees separately from the other registered trees, in acknowledgement of their location in areas that would be challenging for project impacts to avoid. Despite this, Enerparc did manage to alter the project impact footprint to avoid these two sites, as reflected in the

Development Consent Conditions, which slate that all registered trees are to be avoided by project impacts (as per Condition B18 Schedule 1 of the Development Consent). This condition specifies that The Applicant must ensure the development does not cause any direct or indirect impacts on the Aboriginal heritage items identified in Table 1 of Appendix 6 of the Development Consent or any Aboriginal heritage items located outside the approved development footprint.

3 PROPOSED MODIFICATION TO HERITAGE IMPACTS

In the years subsequent to project approval, site environmental conditions have deteriorated¹, causing a need for the location of the substation and access road to be modified. Tilbuster Solar CT2 (AHIMS # 21-1-0316) (**Figure 1**) is located within the only pocket available for the substation. The revised location of the substation requires realignment of the access road, which may impact scarred tree Tilbuster Solar ST6 (AHIMS # 21-1-0339) (**Figure 1**).

As noted in Section 2, the ACHAR did originally envisage these two sites were likely to be impacted, so in this way, that document has taken their potential loss into consideration. The recommendations were for further Aboriginal community consultation in regard to the fate of these two sites.

As a result, OzArk have been assisting Enerparc to work through this consultation as part of preparation of the Heritage Management Plan for the project.

4 ABORIGINAL COMMUNITY CONSULTATION

On Thursday 7 December 2023, all RAPS were invited to attend an Aboriginal Focus Group Meeting (AFGM) to discuss the revised impacts and the possibility of both sites being salvaged. Responses were received from DFTV Enterprises Indigenous Corporation and Iwatta Aboriginal Corporation accepting the invitation.

A reminder was emailed to RAPS on the morning of Friday 15 December 2023 with the AFGM held online later that day. An email was received from Colin Ahoy with apologies for being unable to attend the meeting. One representative of the Iwatta Aboriginal Corporation, Steven Ahoy, attended the meeting.

The AFGM resulted in the determination that as Tilbuster Solar CT2 and Tilbuster ST6 are unavoidable, they may be impacted by the project, and that the forthcoming HMP should describe any specific management. It was the opinion of Steven Ahoy that neither Tilbuster Solar CT2 or Tilbuster ST6 bear Aboriginal cultural modifications and therefore are technically not Aboriginal sites. As a result, the revised project layout will not impact any sites of Aboriginal significance. The minutes of the meeting have been provided as Appendix 3 Figure 2

Following the AFGM, the minutes were provided to all RAPS requesting feedback by Friday 19 January 2024 to provide any comments regarding the outcome of the meeting. No responses were received.

¹ Due to flooding issues, ~~TransGrid~~ have advised Enerparc that the approved location of the substation is no longer tenable. Moving of the substation is also constrained by threatened vegetation.

5 CONCLUSION / RECOMMENDATIONS

RAPs for the Tilbuster project have been consulted over the proposed heritage site impact modifications to Tilbuster Solar CT2 and Tilbuster ST6 resulting from proposed project footprint changes. It is noted that these two sites were originally slated for impact within the 2020 ACHAR.

The only RAP feedback that been provided indicates that these registered sites are in fact unlikely to be Aboriginal modified trees, a conclusion that the OzArk team concurs with.

It is concluded that adequate consultation has occurred to:

- Alter the Development Consent to include Tilbuster Solar CT2 and Tilbuster ST6 as sites to be impacted by the project. These sites should move from Appendix 6 Table 1, to Appendix 6 Table 2 of the Development Consent
- The forthcoming HMP should include these two trees as being impacted by the proposal. As the sites have been concluded as being not Aboriginal in origin, salvage of them is unwarranted.

Kind regards,

Jodie Benton



Director

OzArk Environment and Heritage

E: jodie@ozarkehm.com.au

P: 02 6882 0118

Figure 1: Location of Tilbuster Solar CT2 and Tilbuster Solar ST6 in relation to the revised location of the TransGrid substation and access road.





OzArk Environment & Heritage

ABN 59 104 582 354

Dubbo

T: 02 6882 0118

145 Wingewarra St

Wollongong | Katoomba

enquiry@ozarkehm.com.au

PO Box 2069

Queanbeyan | Newcastle

www.ozarkehm.com.au

DUBBO NSW 2830

AFGM Minutes

PROJECT: Tilbuster Solar Farm Stage 1 (Enerparc Australia Pty Ltd)

DATE: Friday 15 December 2023 **TIME:** 11:00 AM
MEETING HELD BY: Enerparc & OzArk **MINUTE TAKER:** Imogen Crome
FACILITATOR: Jodie Benton
MEETING TYPE: Aboriginal Focus Group Meeting
CONTACT PERSON: Jodie Benton, jodie@ozarkehm.com.au (02) 6882 0118

ATTENDEES:

Jodie Benton, JB (OzArk)

Imogen Crome, IC (OzArk)

Eric Tran, ET (Enerparc)

Steven Ahoy, SA (RAP)

-
1. JB opens meeting and introduces meeting attendees
 2. ET/JB provides project background
 - a. Following flooding and vegetation assessments, the location of the TransGrid substation for the solar farm is required to be relocated from its original scoped position. Two options are being considered. The location of the substation is limited by its requirement to be located near the existing towers, with the preferred location being where Cultural Tree CT2 is located.
 - b. CT2 was recorded by NGH as not bearing the accepted morphology of an Aboriginal scarred tree, but following in field consultation with community, the tree was listed as of 'community interest' on AHIMS.
 3. CT2
 - a. JB shows the site card for the CT2 and highlights that it is her professional opinion that the scarring on the tree seems to be derived from a branch tear.
 - b. SA agrees that the tree scar is not culturally made and that he would not say this is a scarred tree. SA states that the opinion at the time of the recording of the scar during the survey was divided and that the decision was made to record the tree and for the site to be further discussed.
 - c. JB and SA state that in such situations typically the site would not be recorded on AHIMS and would be recorded within reporting as a tree of community interest. AHIMS should be the domain of items of certain Aboriginal origin.
 - d. SA raises question as to whether a site visit may be appropriate. JB states that given the complete documentation of the site that already exists, no further information would be garnered from the visit. SA agrees.

4. SA asks what other sites may be impacted
 - a. ET asks the possibility for scarred trees ST4, 5 and 6 to additionally be removed. These three sites are not approved to be impacted by the solar farm as per the Conditions of Consent.
 - b. ET states that the removal of these three sites is not critical
5. ST5
 - a. JB and SA discuss that ST5 is a definitive scarred tree.
 - b. SA states that the squareness of the scar means that it is a directional scar pointing to Mount Duval.
 - c. JB and SA agree that the site ST5 should not be impacted and the original approval conditions upheld for this site.
6. ST6
 - a. JB and SA discuss ST6.
 - b. SA states that the height and shape of the scar and surrounding damage indicates that the scar is the result of cattle rubbing against the tree. The smoothness of the bark in comparison to the rest of the tree is indicative of a rub zone for the cattle and surrounding area shows evidence of cattle lay down.
 - c. It is SA's opinion that the scar is not cultural and JB is in agreement.
 - d. If RAPs not in attendance today agree, this site may be negotiated to be listed on AHIMS as 'not a site' which would allow its removal if the project were to require it.
 - e. All present are in agreement that as the site is not a scarred tree, approval can be sought for its removal.
7. ST4
 - a. JB and SA discuss ST4.
 - b. JB notes that the scar is questionable as the tree is young in age.
 - c. SA states that given the location mission history of the area, the young age of the tree does not necessarily mean that the scar is not cultural
 - d. JB and SA agree to leave the tree as cultural and the original approval conditions upheld for this site.
8. ET again reiterates that CT2 is crucial however ST6 is not and can be avoided if RAPs disagree with its removal however the preference is for the tree to be removed.
9. SA states his agreement with the outcome of the meeting and that due to his knowledge and seniority within the local Aboriginal community, the majority of the community will be in agreement with his opinion.
10. JB mentions that the minutes will be written up and distributed to all RAPs as many were unable to attend the meeting.
11. JB thanks all for attending.
12. Meeting closes at 12:30 PM.

D.2.2 OzArk Consultation Letter



OzArk Environment & Heritage

ABN 59 104 582 354

Dubbo

T: 02 6882 0118

145 Wingewarra St

Queanbeyan

enquiry@ozarkehm.com.au

PO Box 2069

Wollongong

www.ozarkehm.com.au

DUBBO NSW 2830

Newcastle

Katoomba

19 July 2024

TILBUSTER SOLAR FARM PROJECT IMPACT MODIFICATION: HERITAGE

1 INTRODUCTION

OzArk Environment & Heritage (OzArk) have been engaged by GHD on behalf of Enerparc to prepare the Heritage Management Plan (HMP) for the approved Tilbuster Solar Farm and to assist with other Aboriginal heritage matters as they arise. This project is SSD 9619, approved on March 3, 2022.

A change of layout to certain essential Solar Farm elements has been required, which has in turn altered the proposed impacts of the project to Aboriginal heritage. This letter summarises the actions taken to ensure Aboriginal community stakeholders have been consulted regarding these altered project impacts and the flow-on effect to two Aboriginal heritage sites - Tilbuster Solar CT2 (AHIMS # 21-1-0316) and Tilbuster Solar ST6 (AHIMS # 21-1-0339) (**Figure 1**).

2 BACKGROUND

During the assessment that underpinned the Aboriginal Cultural Heritage Assessment Report (ACHAR, NGH 2020) that supported the Environmental Impact Statement (EIS), six scarred trees and three cultural trees were recorded (amongst the other 77 Aboriginal stone artefact sites).

The ACHAR, however, provided the following assessment of Tilbuster Solar CT2 and Tilbuster Solar ST6:

- Tilbuster Solar CT2 is assessed to be of high cultural significance, low scientific significance and no aesthetic or historic significance. This is due to the scarring not being consistent with accepted Aboriginal scarring morphology
- Tilbuster Solar ST6 is assessed to be of high cultural significance, moderate to high scientific significance and no aesthetic or historic significance.

In terms of project impacts, the ACHAR noted that both Tilbuster Solar CT2 and Tilbuster Solar ST6 were to be impacted by the project, but that the preferred option was for the impact footprint to be amended (NGH ACHAR, Table 7-1). The recommendations of the ACHAR separate out these two trees as being within the footprint and unavoidable, but still to be the subject of exclusion from harm *if possible* and slated for further Aboriginal community consultation.

In this way, the ACHAR grouped these two trees separately from the other registered trees, in acknowledgement of their location in areas that would be challenging for project impacts to avoid. Despite this, Enerparc did manage to alter the project impact footprint to avoid these two sites, as reflected in the

Development Consent Conditions, which slate that all registered trees are to be avoided by project impacts (as per Condition B18 Schedule 1 of the Development Consent). This condition specifies that The Applicant must ensure the development does not cause any direct or indirect impacts on the Aboriginal heritage items identified in Table 1 of Appendix 6 of the Development Consent or any Aboriginal heritage items located outside the approved development footprint.

3 PROPOSED MODIFICATION TO HERITAGE IMPACTS

In the years subsequent to project approval, site environmental conditions have deteriorated¹, causing a need for the location of the substation and access road to be modified. Tilbuster Solar CT2 (AHIMS # 21-1-0316) (**Figure 1**) is located within the only pocket available for the substation. The revised location of the substation requires realignment of the access road, which may impact scarred tree Tilbuster Solar ST6 (AHIMS # 21-1-0339) (**Figure 1**).

As noted in Section 2, the ACHAR did originally envisage these two sites were likely to be impacted, so in this way, that document has taken their potential loss into consideration. The recommendations were for further Aboriginal community consultation in regard to the fate of these two sites.

As a result, OzArk have been assisting Enerparc to work through this consultation as part of preparation of the Heritage Management Plan for the project.

4 ABORIGINAL COMMUNITY CONSULTATION

On Thursday 7 December 2023, all RAPs were invited to attend an Aboriginal Focus Group Meeting (AFGM) to discuss the revised impacts and the possibility of both sites being salvaged. Responses were received from DFTV Enterprises Indigenous Corporation and Iwatta Aboriginal Corporation accepting the invitation.

A reminder was emailed to RAPS on the morning of Friday 15 December 2023 with the AFGM held online later that day. An email was received from Colin Ahoy with apologies for being unable to attend the meeting. One representative of the Iwatta Aboriginal Corporation, Steven Ahoy, attended the meeting.

The AFGM resulted in the determination that as Tilbuster Solar CT2 and Tilbuster ST6 are unavoidable, they may be impacted by the project, and that the forthcoming HMP should described any specific management. It was the opinion of Steven Ahoy that neither Tilbuster Solar CT2 or Tilbuster ST6 bear Aboriginal cultural modifications and therefore are technically not Aboriginal sites. As a result, the revised project layout will not impact any sites of Aboriginal significance. The minutes of the meeting have been provided as Appendix 3 Figure 2

Following the AFGM, the minutes were provided to all RAPs requesting feedback by Friday 19 January 2024 to provide any comments regarding the outcome of the meeting. No responses were received.

¹ Due to flooding issues, TransGrid have advised Enerparc that the approved location of the substation is no longer tenable. Moving of the substation is also constrained by threatened vegetation.

5 CONCLUSION / RECOMMENDATIONS

RAPs for the Tilbuster project have been consulted over the proposed heritage site impact modifications to Tilbuster Solar CT2 and Tilbuster ST6 resulting from proposed project footprint changes. It is noted that these two sites were originally slated for impact within the 2020 ACHAR.

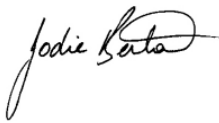
The only RAP feedback that been provided indicates that these registered sites are in fact unlikely to be Aboriginal modified trees, a conclusion that the OzArk team concurs with.

It is concluded that adequate consultation has occurred to:

- Alter the Development Consent to include Tilbuster Solar CT2 and Tilbuster ST6 as sites to be impacted by the project. These sites should move from Appendix 6 Table 1, to Appendix 6 Table 2 of the Development Consent
- The forthcoming HMP should include these two trees as being impacted by the proposal. As the sites have been concluded as being not Aboriginal in origin, salvage of them is unwarranted.

Kind regards,

Jodie Benton



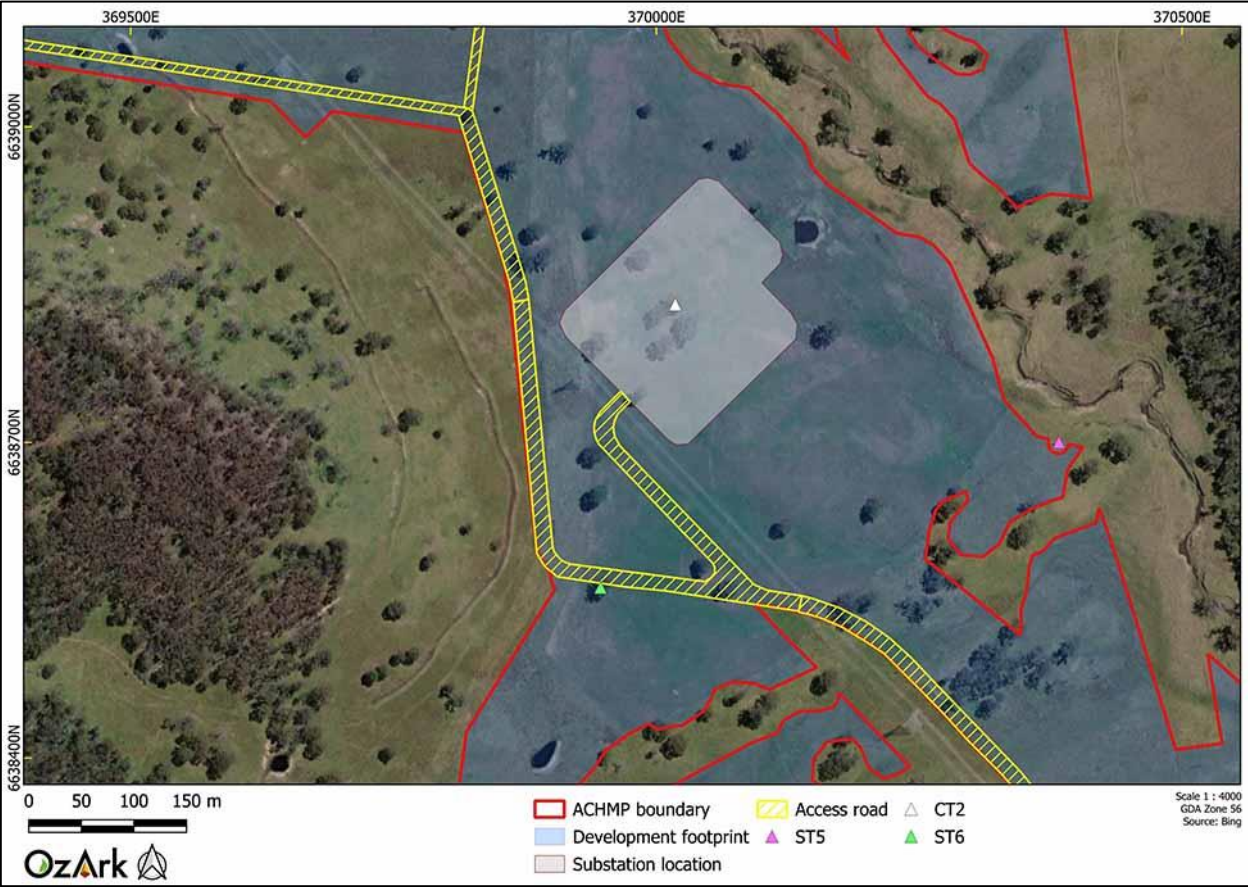
Director

OzArk Environment and Heritage

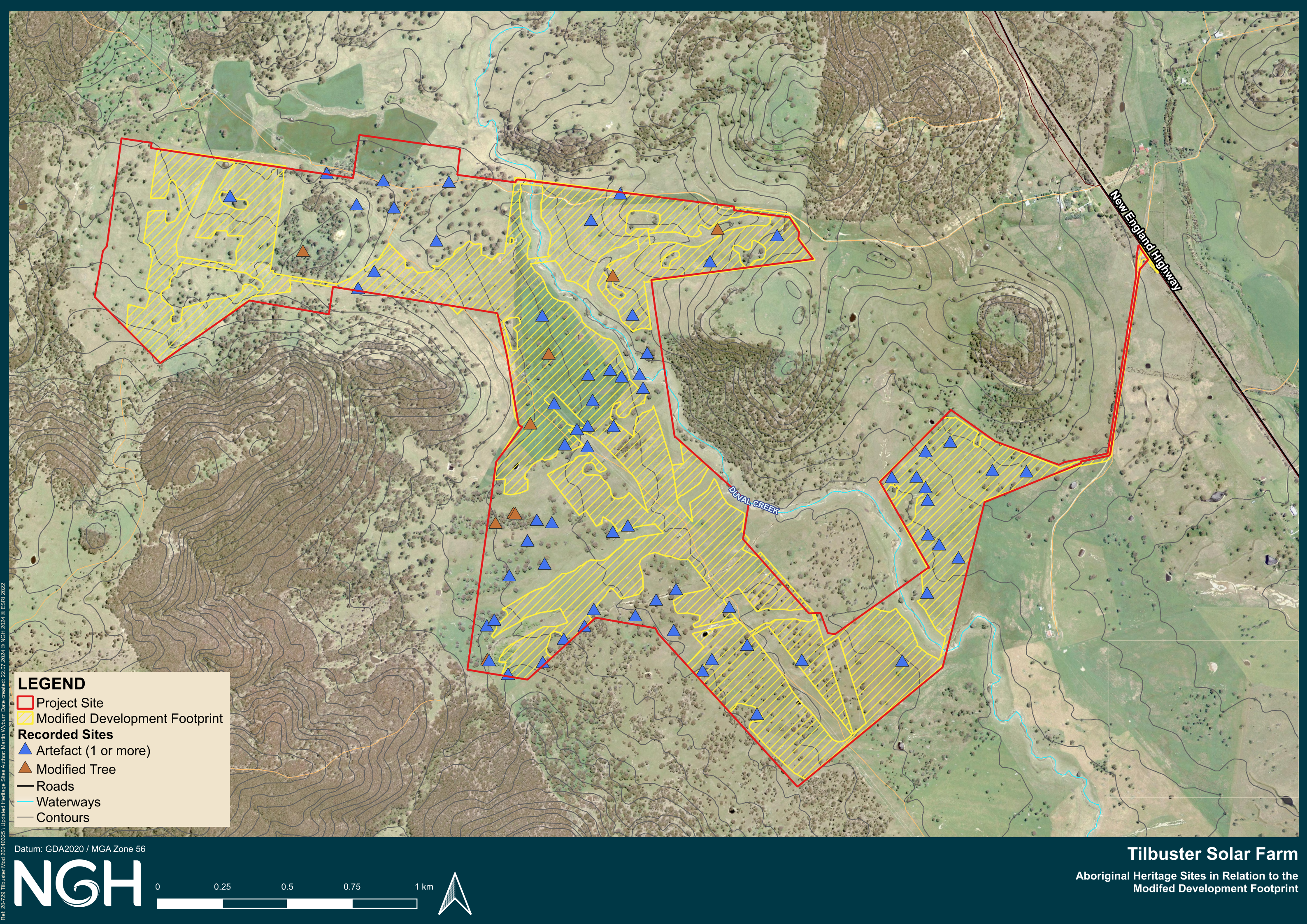
E: jodie@ozarkehm.com.au

P: 02 6882 0118

Figure 1: Location of Tilbuster Solar CT2 and Tilbuster Solar ST6 in relation to the revised location of the TransGrid substation and access road.



D.2.3 Updated Figure for Appendix 6 of the Development Consent



LEGEND

- Project Site
- Modified Development Footprint
- Recorded Sites**
- ▲ Artefact (1 or more)
- ▲ Modified Tree
- Roads
- Waterways
- Contours

Datum: GDA2020 / MGA Zone 56



Tilbuster Solar Farm

Aboriginal Heritage Sites in Relation to the Modified Development Footprint

Ref: 20-729 Tilbuster Mod 20240325 Updated Heritage Sites Author: Martin Wyburn Date created: 22.07.2024 © NGH 2022