

Appendix L: Aboriginal Heritage Response to Submissions Report

6 August 2020



Re: Rye Park Wind Farm – Response to Submissions Cultural Heritage

Please find outlined below our response to the issue raised in the Submissions to the Modification for the Rye Park Wind Farm. The responses relate to cultural heritage issues raised by relevant Government agencies and members of the public.

If you have any questions about our responses please contact me.

Yours sincerely,

A handwritten signature in black ink that reads 'Matthew Barber'. The signature is fluid and cursive, with the first name 'Matthew' and the last name 'Barber' clearly distinguishable.

Matthew Barber
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Rye Park Windfarm Submission Comments

Biodiversity and Conservation Division Comments

Aboriginal Consultation

It was noted in the Aboriginal Cultural Heritage Assessment (ACHA) report prepared by NGH that the Aboriginal consultation had not been completed and the report submitted was in draft form. At the time of submission, the report was with the Registered Aboriginal parties (RAPs) awaiting comment. Since the completion of the draft however, a revised footprint for the project has been provided and further archaeological assessment as an addendum has been completed. This includes further field survey and identification of additional Aboriginal heritage items.

This Addendum draft has now been provided to the Aboriginal parties for a 28 day review. We will be able to provide DPIE with all finalised consultation comments once the Addendum has been reviewed.

Test Excavations

BCD noted that there were areas of Potential Archaeological Deposit (PAD) identified in the Modification survey. These included five sites with associated PAD and three PADs without associated cultural material. It was recommended in the report that these areas be subject to subsurface testing if they could not be avoided by the proposed development activity.

Rye Park Renewable Energy Pty Ltd (RPRE) have committed to ensuring this testing is undertaken prior to the development proceeding in those areas. In the event that a significant archaeological site is identified in the testing process, RPRE have advised that they would liaise with the heritage consultant and the RAPs to identify the most appropriate course of action. The resultant management option would depend on the level of significance of the site and its position and extent within any disturbance corridor.

Management options for such a scenario may include realignment of the relevant section of infrastructure, redesign to avoid parts of the sites or suitable mitigation measures in the form of salvage. NGH have advised that based on the evidence to date in the surveys, the likelihood of highly significant finds being found in these locations is relatively low, although possible.

Additional Survey

There was a small section of the proposed footprint that was unable to be surveyed prior to completion of the ACHA report. This was identified in the report with the recommendations that it be surveyed prior to the project proceeding.

A redesign of the project footprint and some additional infrastructure requirements meant that there were some additional areas that required assessment. These were subsequently surveyed in July 2020, which included the area identified in the Modification ACHA report.

These areas have been assessed in an ACHA addendum of July 2020 completed by NGH which is still undergoing review by RAPs. The results of these surveys are discussed in a consistent approach as for the original NSW Archaeology (2013) ACHA and the NGH Modification ACHA (NGH 2020) and recommendations are provided where sites were recorded.

In addition to the unsurveyed area, BCD made comments in relation to the definition of 'highly disturbed' used in the ACHA report and sought clarification on this term and whether such areas were ground truthed.

The term 'highly disturbed' is one of some objectivity, however assessed by experienced archaeologists based on a range of factors. These include areas that have some or all of the following characteristics:

- Road and rail alignments, including areas within the windrows or cuttings, verges and kerbing, bridges and culverts
- Infrastructure such as pipelines, underground cables and similar disturbed corridors
- Eroded areas, where the subsoil is evident indicating removal of large portions of original A horizon
- Earthworks such as contour banks, borrow pits, dams, cuttings
- Logged areas
- Urban areas, paths and buildings
- Houses, farmsteads, including driveways, fences and gardens.

These are typically, in archaeological contexts, considered highly disturbed as their construction and ongoing maintenance if applicable, are likely to have resulted in extensive disturbance of any ground surfaces and likely removal of any Aboriginal cultural material. In terms of ground truthing, the project area was traversed through a number of pedestrian surveyed sections and a range of environments and disturbances were examined. As the survey progressed and the team became more familiar with the local environment, those areas that were clearly heavily disturbed, particularly on the road reserves, were no longer walked but were generally observed from a vehicle. These vehicle inspections were not counted in the survey assessment tables to ensure consistency was applied to the effective survey calculations.

The NGH heritage team is confident our approach is consistent with other archaeological surveys of a similar nature and our assessment of disturbance is in line with standard archaeological practice.

Some sections of disturbed ground were walked initially to confirm their level of disturbance and archaeological potential. They were dismissed as being too highly disturbed and therefore such areas identified elsewhere within the project area were not inspected on foot.

Management Measures

NGH have recommended and RPRE have confirmed that further assessment would be undertaken where there are changes to the design that extends outside the assessed footprint. In terms of the suggestions by BCD that commitments be provided to alter the design if significant finds are encountered during survey or subsurface testing, this would need to be assessed on a case by case basis. The testing that will be undertaken will provide detailed results that will assess the level of significance. If highly significant sites were found, NGH would make recommendations to RPRE to make appropriate alterations to the design. RPRE have indicated that they would assess the redesign recommendations on merit.

In terms of what may be deemed of 'significance' NGH posits that the threshold would be defined as high archaeological/research significance at a regional to State level or high cultural significance if identified by an Aboriginal party.

It was recommended in the NSW Archaeology ACHA report (2013) that the site SU17/L1 (Quartz outcrop) should be avoided by the project works. Subsequent design changes meant that the site was unable to be avoided but NGH suggested that the site could be under-bored to prevent disturbance. RPRE have informed NGH that as part of the progression of detailed design, it has been determined that underground boring is not possible for electric cabling as the additional joins would create more faults and problems, affecting the transmission of energy. This would then require further maintenance work and potentially disturbance of the area trying to be avoided.

As a result, this area will need to be subject to subsurface testing, as per the original recommendations by NSW Archaeology, to determine if the site is an Aboriginal stone source. If it is, then management measures would need to be implemented based on the findings.

NGH has provided all relevant data to RPRE to update the mapping of all heritage sites. Below is a table outlining the relevant sites and their management position.

Table 1. Aboriginal heritage items – avoid impacts

Site ID	Impact	Identified
Flakeney Creek 1	Avoid	AHIMS
Cultural Tree 1	Avoid	NGH Addendum ACHA 2020
Cultural Tree 2	Avoid	NGH Addendum ACHA 2020
Cultural Tree 3	Avoid	NGH Addendum ACHA 2020
AFT 3	Avoid	NGH Modification ACHA 2020
AFT 6	Avoid	NGH Modification ACHA 2020
AFT 1 + PAD	Avoid	NGH Modification ACHA 2020
AFT 5 + PAD	Avoid	NGH Modification ACHA 2020
IF 11	Avoid	NGH Modification ACHA 2020
PAD 2	Avoid	NGH Modification ACHA 2020
PAD 3	Avoid	NGH Modification ACHA 2020
Cultural Tree	Avoid	NGH Modification ACHA 2020
Resource: Quartz deposit	Avoid	NGH Modification ACHA 2020
SU3/L1	Avoid	NSW Archaeology
SU6/L1	Avoid	NSW Archaeology
SU7/L1	Avoid	NSW Archaeology
SU8/L1	Avoid	NSW Archaeology
SU15/L1	Avoid	NSW Archaeology
SU17/L2	Avoid	NSW Archaeology
SU23/L1	Avoid	NSW Archaeology
SU23/L2	Avoid	NSW Archaeology
SU24/L1	Avoid	NSW Archaeology
SU27/L1	Avoid	NSW Archaeology
SU30/L1	Avoid	NSW Archaeology
SU30/L3	Avoid	NSW Archaeology
SU33/L3	Avoid	NSW Archaeology
SU37/L1	Avoid	NSW Archaeology
SU37/L2	Avoid	NSW Archaeology
SU37/L3	Avoid	NSW Archaeology
SU40/L1	Avoid	NSW Archaeology
SU47/L1	Avoid	NSW Archaeology
SU47/L2	Avoid	NSW Archaeology

Table 2. Aboriginal heritage items – minimise impacts

Site ID	Impact	Identified
Flakney Creek	Minimize / Undertake Surface Salvage	AHIMS Registered Site (Prior to RPWF)
AFT 1	Minimize / Undertake Surface Salvage	NGH Modification ACHA 2020
AFT 2	Minimize / Undertake Surface Salvage	NGH Modification ACHA 2020
AFT 4	Minimize / Undertake Surface Salvage	NGH Modification ACHA 2020
AFT 5	Minimize / Undertake Surface Salvage	NGH Modification ACHA 2020
IF 1	Minimize / Undertake Surface Salvage	NGH Modification ACHA 2020
IF 2	Minimize / Undertake Surface Salvage	NGH Modification ACHA 2020
IF 3	Minimize / Undertake Surface Salvage	NGH Modification ACHA 2020
IF 4	Minimize / Undertake Salvage Excavations or Testing	NGH Modification ACHA 2020
IF 5	Minimize / Undertake Surface Salvage	NGH Modification ACHA 2020
IF 6	Minimize / Undertake Surface Salvage	NGH Modification ACHA 2020

Site ID	Impact	Identified
IF 7	Minimize / Undertake Surface Salvage	NGH Modification ACHA 2020
IF 8	Minimize / Undertake Surface Salvage	NGH Modification ACHA 2020
IF 9	Minimize / Undertake Surface Salvage	NGH Modification ACHA 2020
IF 12	Minimize / Undertake Surface Salvage	NGH Modification ACHA 2020
IF 13	Minimize / Undertake Surface Salvage	NGH Modification ACHA 2020
IF14	Minimize / Undertake Surface Salvage	NGH Addendum ACHA 2020
IF15	Minimize / Undertake Surface Salvage	NGH Addendum ACHA 2020
IF 16	Minimize / Undertake Surface Salvage	NGH Addendum ACHA 2020
SU3/L2	Minimize / Undertake Surface Salvage	NSW Archaeology
SU4/L1	Minimize / Undertake Surface Salvage	NSW Archaeology
SU18/L1	Minimize / Undertake Surface Salvage	NSW Archaeology
SU21/L1	Minimize / Undertake Surface Salvage	NSW Archaeology
SU23/L3	Minimize / Undertake Surface Salvage	NSW Archaeology
SU28/L1	Minimize / Undertake Surface Salvage	NSW Archaeology
SU28/L2	Minimize / Undertake Surface Salvage	NSW Archaeology
SU29/L1	Minimize / Undertake Surface Salvage	NSW Archaeology
SU33/L1	Minimize / Undertake Surface Salvage	NSW Archaeology
SU33/L2	Minimize / Undertake Surface Salvage	NSW Archaeology
SU33/L4	Minimize / Undertake Surface Salvage	NSW Archaeology
SU33/L5	Minimize / Undertake Surface Salvage	NSW Archaeology
SU33/L6	Minimize / Undertake Surface Salvage	NSW Archaeology
SU34/L1	Minimize / Undertake Surface Salvage	NSW Archaeology
SU42/L1	Minimize / Undertake Surface Salvage	NSW Archaeology

Table 3. Aboriginal heritage items – excavations

Site ID	Impact	Identified
AFT 2 + PAD	Minimize / Undertake Salvage Excavations or Testing	NGH Modification ACHA 2020
AFT 3 + PAD	Minimize / Undertake Salvage Excavations or Testing	NGH Modification ACHA 2020
AFT 4 + PAD	Minimize / Undertake Salvage Excavations or Testing	NGH Modification ACHA 2020
IF 10	Minimize / Undertake Salvage Excavations or Testing	NGH Modification ACHA 2020
PAD 1	Minimize / Undertake Salvage Excavations or Testing	NGH Modification ACHA 2020
SU17/L1	Minimize / Undertake Salvage Excavations or Testing	NSW Archaeology
SU30/L2	Minimize / Undertake Salvage Excavations or Testing	NSW Archaeology

Comments from Submitter ID S-126210

The Aboriginal Consultation program was undertaken in accordance with the requirements of the relevant guide *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*. This document outlines the specific steps required to comply with the relevant SEARs. The NSW Archaeology assessment (2013) undertook initial consultation and an opportunity was provided for local Aboriginal groups to register their interest in the project.

The subsequent Modification assessment undertaken by NGH followed on from the original consultation program, on the advice of the regulator at the time, the Office of Environment and Heritage (OEH). OEH maintains a list of relevant Aboriginal stakeholders for various areas but no new groups were identified that required consultation.

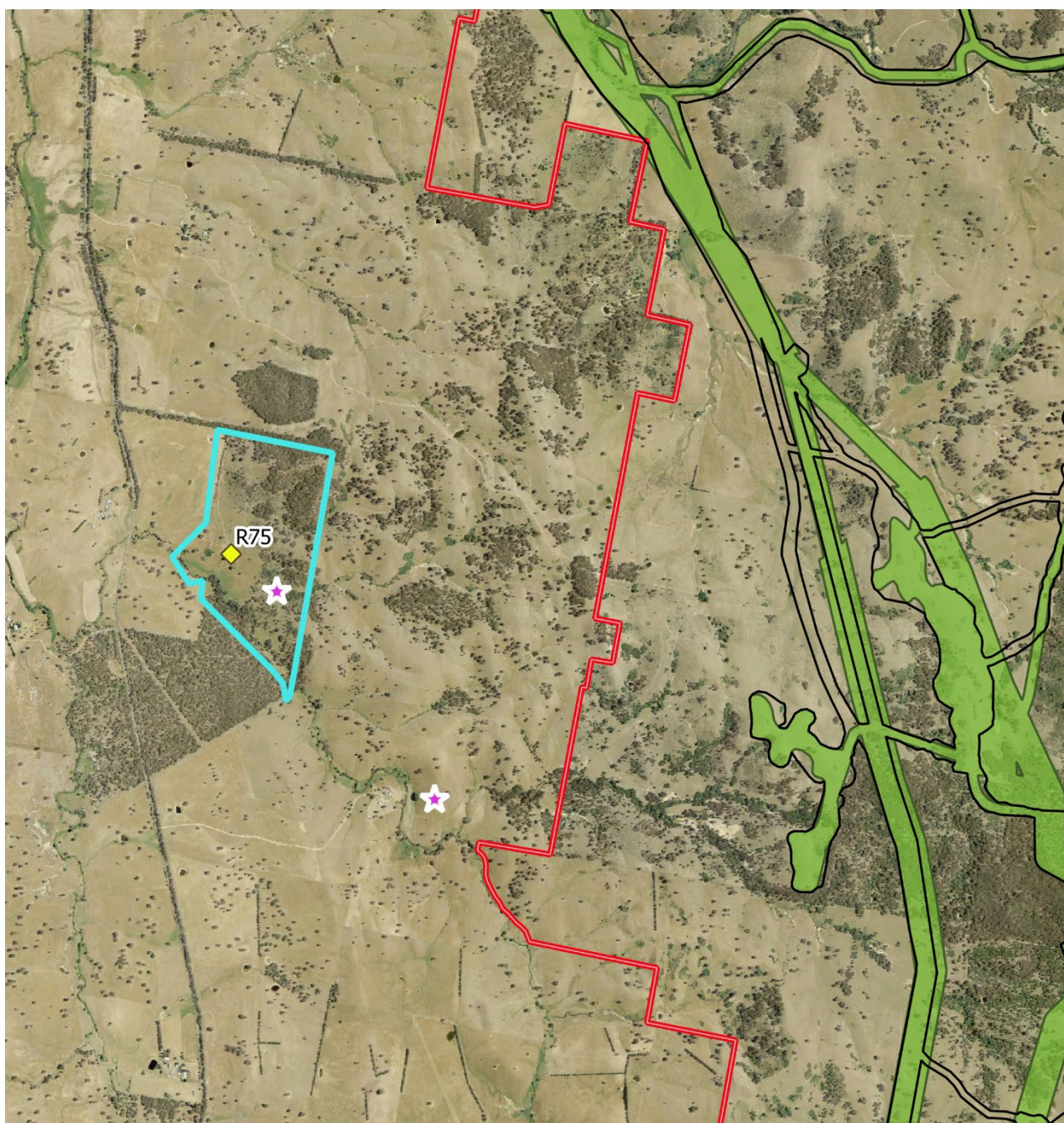
The consultation for both stages of the assessment included the Onerwal Local Aboriginal Land Council. This body represents all members within its boundaries, which include Rye Park and Boorowa, no matter what their original place of origin or tribal/language affiliation.

The information presented in this submission (Submission S-126210) is of interest to the project for context on the history of Aboriginal occupation and use of the broader landscape and continuing connection to the area. However, NGH do not believe it materially changes the findings of the assessment of impacts to Aboriginal heritage within the project footprint.

The questions about the landowner's property referencing residence R75 indicates that this property is the former Pudman Aboriginal Reserve. The eastern boundary of the property is approximately 1.4 km from the western boundary of the Rye Park Wind Farm project area and therefore is not within the proposed footprint area (see Figure below). Surveys for the original assessment and the Modification were undertaken on a precise footprint, and the survey was restricted to this footprint. No wider surveys were necessary or undertaken and thus this property and the former reserve were not required to be surveyed. It is likely that there are many other Aboriginal heritage sites in the region, including on the property in question but they did not need to be assessed under the current proposal design as the Project Area does not cover these properties.

The survey timeframe of eight days, was adequate to assess the footprint of the Modification and it should be remembered that further survey was undertaken by NSW Archaeology for the original footprint assessment.

The project area may border a number of Aboriginal groups, but the required consultation process outlined in the relevant legislative and policy procedures was followed and no additional groups came forward during the registration process. The information provided about the memories of Mrs Pearsall within the general area are of interest but do not affect the heritage assessment and approval for construction of the project.



Rye Park Wind Farm Modification: Additional Areas Pudman Reserve

Legend

- RPWF Site boundary
- Modification Development Envelope
- 19-143 RPWF consented development (dibden)
- Pudman Creek Aboriginal Reserve (Opton Parish map 1922)
- ★ 19-143 Aboriginal Reserves (IATSIS Data)

0 0.5 1 km



Data Attribution
 © NGH 2020
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 Ref: 19-143_RPWF_Addendum
 ACHA_20200720 \ Pudman Reserve
 Author: bronwyn.p
 Date created: 03.08.2020
 Datum: GDA94 / MGA zone 55



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Figure 1. Location of Pudman Reserve and residence.

Comments from Submitter ID S-126623

The Aboriginal Consultation program was undertaken in accordance with the requirements of the relevant guide *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*. This document outlines the specific steps required to comply with the relevant SEARs. The NSW Archaeology assessment (2013) undertook initial consultation and an opportunity was provided for local Aboriginal groups to register their interest in the project. The groups that registered were then consulted during the work.

The subsequent Modification assessment undertaken by NGH followed on from the original consultation program, on the advice of the regulator at the time, the Office of Environment and Heritage (OEH). OEH maintains a list of relevant Aboriginal stakeholders for various areas and no new groups were identified that required consultation.

The consultation for both stages of the assessment included the Onerwal Local Aboriginal Land Council. This body represents all members within its boundaries, no matter what their original place of origin or tribal/language affiliation.

It is also not necessarily true to say that part of the Rye Park Wind Farm area is within Wiradjuri territory, mapping of tribal boundaries is not conclusive and commonly used mapping shows Ngunawal language group extending to near Boorowa. It is likely that Wiradjuri people accessed the area but clearly defined boundaries are not possible to identify.

The consultation process through both the NSW Archaeology and NGH heritage studies provided many opportunities for local Aboriginal community members to identify areas of cultural concern. None mentioned the presence of Pudman Reserve and none identified this as an area of concern. The quoted comment in the response to headstones and burials was not made in either the NSW Archaeology report or the NGH report and therefore we are not aware of what this quote refers to. NGH also notes that the Reserve is at least 1.4 km outside the development envelope, and therefore not impacted and not considered in the assessment of impacts.

The suggestion in the submission that the development footprint is limited in area to reduce impacts on Aboriginal sites has been considered during the process of the cultural heritage assessment. NGH found that the proposed impacts to the sites identified were acceptable based on a number of considerations including the types of sites (low density artefact scatters or isolated finds), generally low level of significance, landscape potential for other sites to occur and feedback from the Registered Aboriginal Parties consulted during the project. We stand by our conclusions that the impacts are acceptable and consistent with other development projects in the region. NGH also notes that where there is potential for additional cultural materials to be located such as in areas of potential archaeological deposits, further assessment will be undertaken.

In respect to consultation with other members of the Aboriginal community, it is not warranted at this late stage of the project approval pathway to engage in further consultation. The heritage consultants on behalf of the proponent have undertaken all necessary steps to consult with the individuals and groups that came forward in the consultation stage.

Heritage NSW Comments

The presence of eight potential historic heritage feature within four locations within the proposal area was identified during the Aboriginal heritage survey and it was recommended that appropriate management be undertaken if the items were to be impacted. NGH believes that a Statement of Heritage Impact (SOHI) would be advisable, as indicated by Heritage NSW, if the items were impacted. The items in question are shown in Table 4 and their locations are shown in Figures 2-5. Only three of the features are within the proposal footprint but it is considered that they, and any associated archaeological material, could be avoided by the Wind Farm.

NGH notes that the submission provided by Heritage NSW is not completely accurate as the SEARs have already been issued and that the submission should instead refer to the conditions of approval. NGH and

RPRE have confirmed that if these identified places are to be impacted, then further assessment would be undertaken. The results of such an assessment would then identify the relevant impacts and appropriate management measures to either avoid impact or mitigate impact.

No areas of historical archaeology were identified during the field surveys. However, if during further assessment of the historic places, archaeological material was detected or suspected, NGH and RPRE would undertake the necessary actions to examine the significance of such material. Where possible, such material would be avoided by simple redesign of the footprint but if this were not possible, further assessment and mitigation in the form of excavation may be warranted.

NGH is aware of the obligation in relation to the NSW *Heritage Act 1977* with regard to the need for suitably qualified archaeologists and the potential need for further assessment including excavations, in accordance with the relevant guidelines.

Table 3. Potential Historic heritage items identified during field survey.

Historic Item	Survey Unit	Notes	Subsurface Potential	Potential Impact	Recommendation
RPWF Historic Site 1	SU64 / L1	Historical structure platform, fire place brick and stone, 2m x 2m	Moderate	Avoid- ensure no works within 20 m of site boundary	If unable to be avoided a SOHI would be required.
	SU64/ L1	Post hole	Moderate	Avoid- ensure no works within 20 m site boundary	
RPWF Historic Site 2	SU78 / L1	Possible historic stone hearth with intervening platform	Moderate	Nil	N/A
	SU78 / L1	Second possible historic hearth, potentially connected to the above stone hearth	Moderate	Nil	
RPWF Historic Site 3	SU77 / L3	Old house structure	High	Avoid- ensure no works within 20 m of site boundary	If unable to be avoided a SOHI would be required.
RPWF Historic Site 4	SU75 / L1	Sheep dip likely connected to old homestead on opposite site of creek, concrete, wood, metal	Moderate	Nil	NA
	SU75 / L2	Possible crutching shed with post holes evident 20 x 10m	Moderate	Nil	
	SU75 / L3	Remnant old agriculture equipment i.e. rims	Low	Nil	

It is noted that the heritage assessment for the Rye Park Wind Farm as reviewed by the regulatory agencies found no structural or assessment flaws in the document. The relevant codes and guidelines were completed with suitable consultation and the survey findings are sound with no challenge to the recommendations as listed.

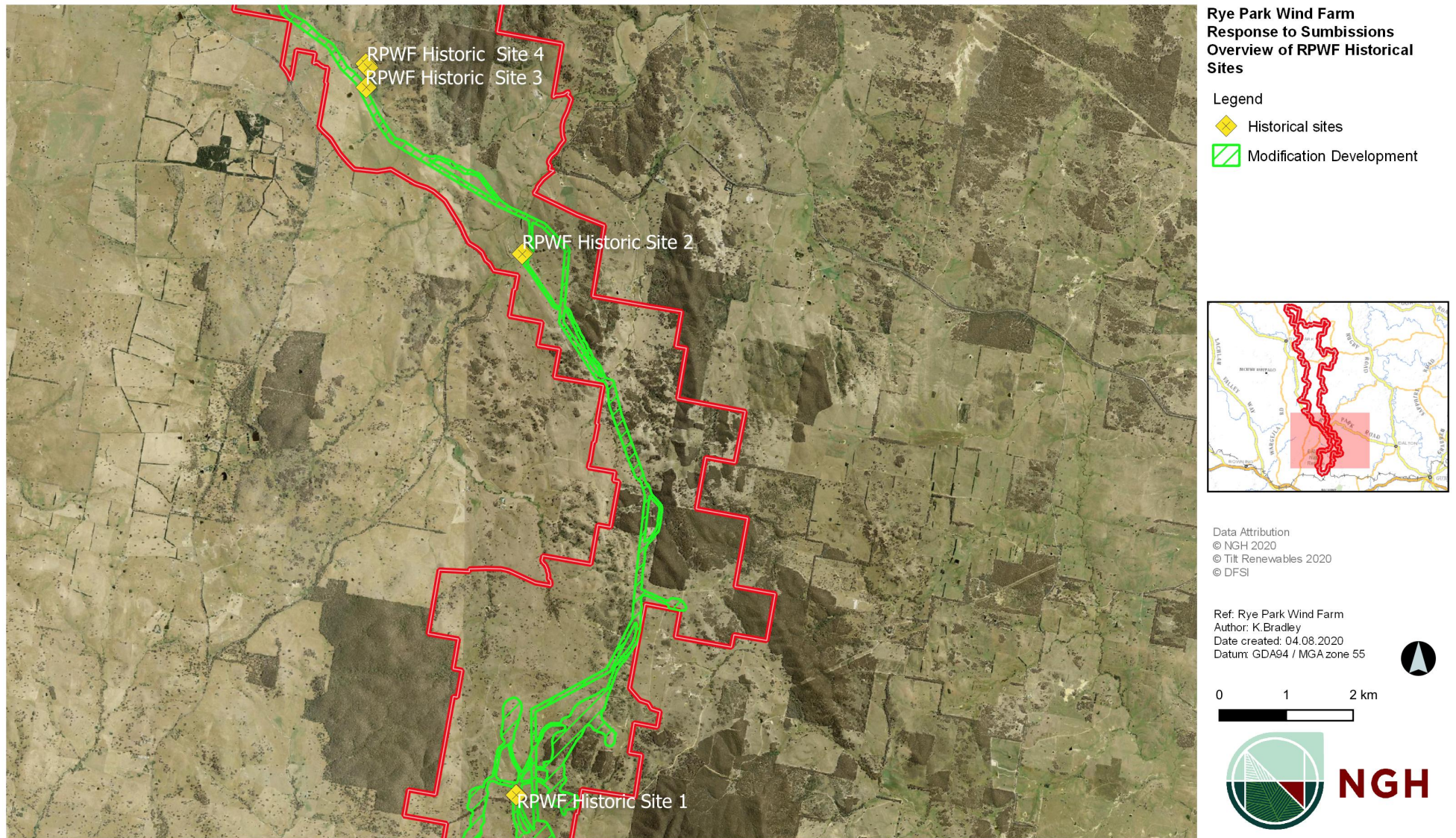


Figure 2. General location of Historic locations.



Figure 3. Location of Historic location 1.



Figure 4. General location of Historic location 2.

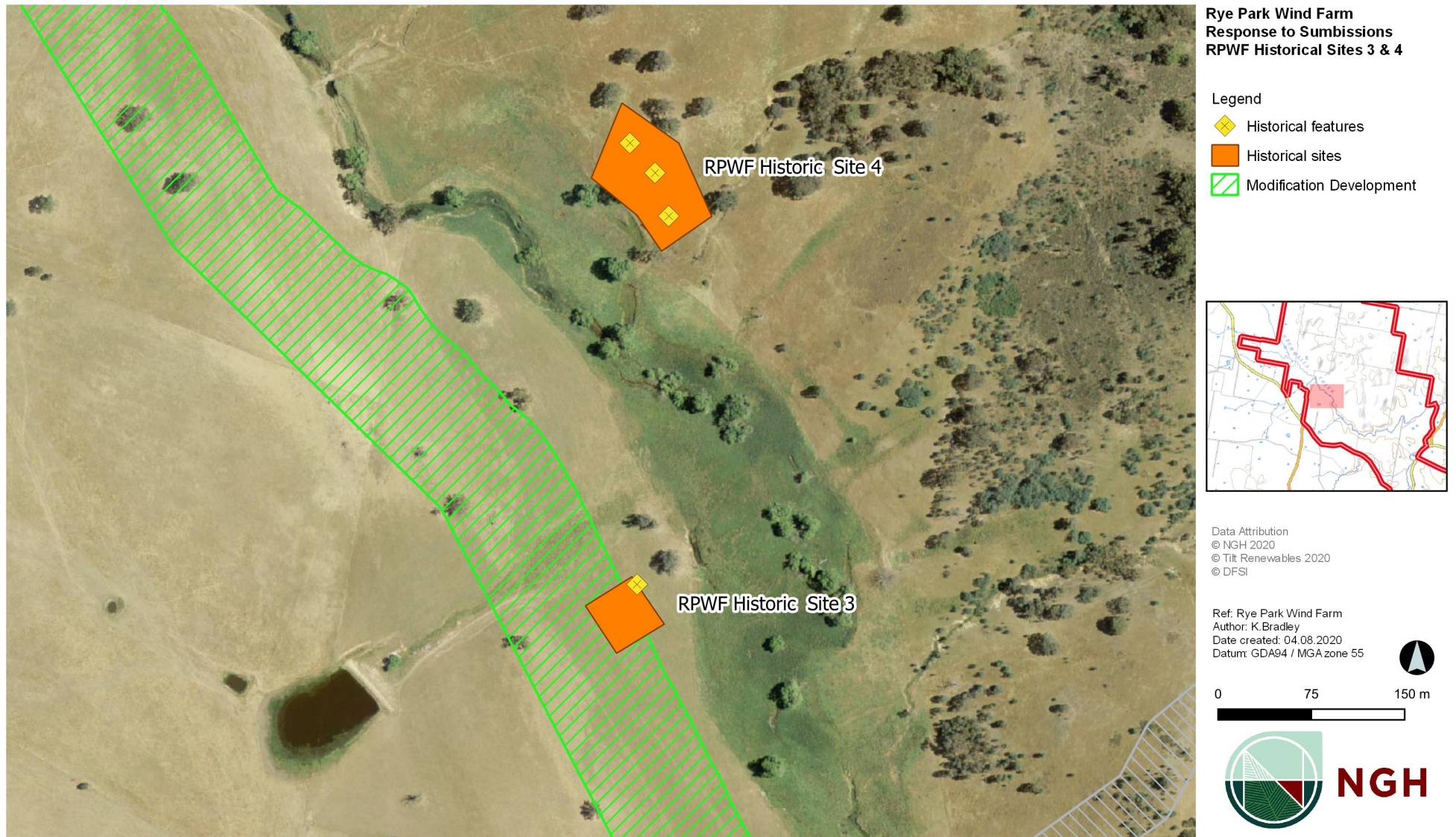
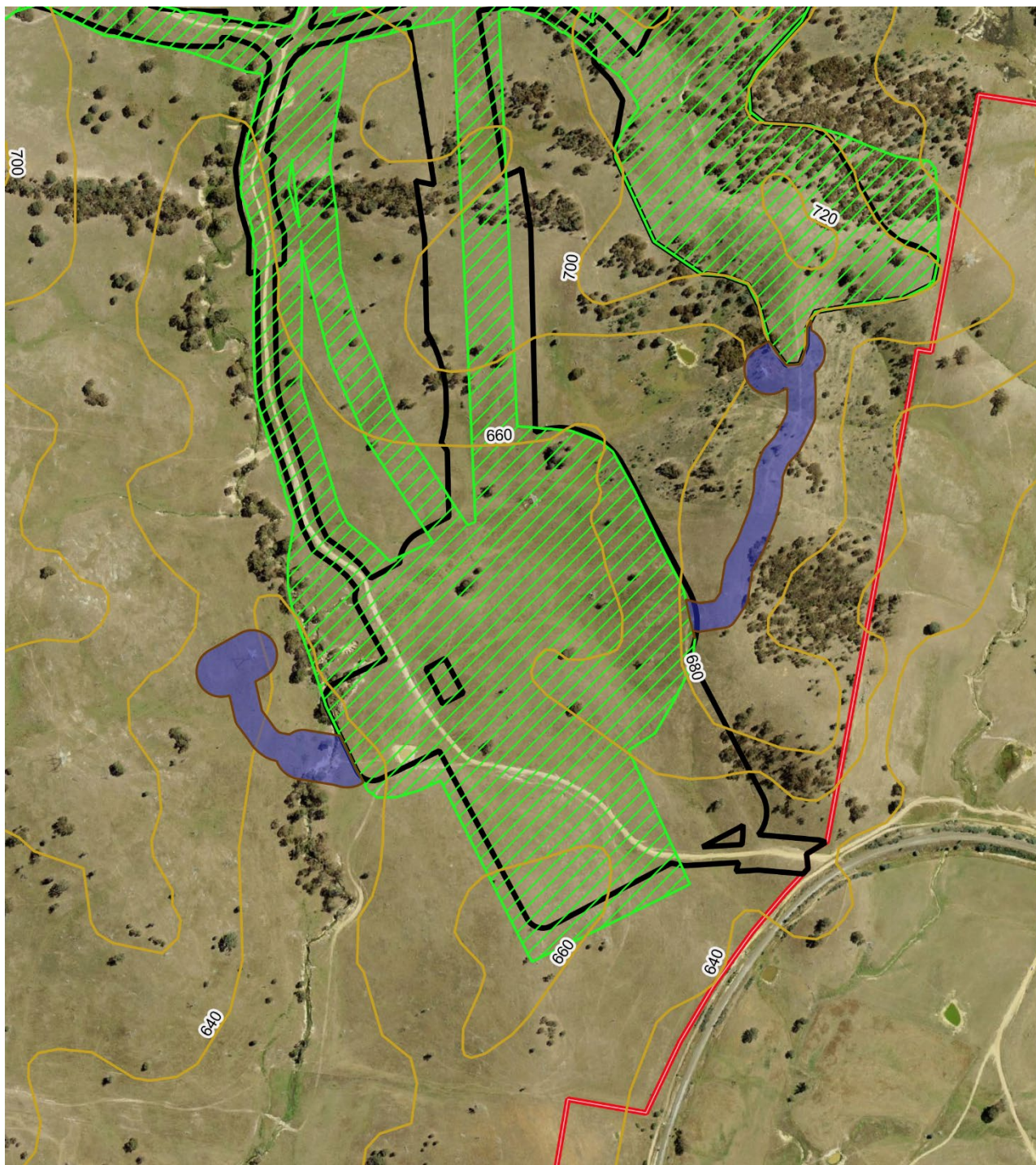


Figure 5. General location of Historic location 3 and 4.

Recent Footprint Changes

Since the most recent fieldwork was completed that will be subject to an Addendum to the Modification ACHA report, a further small change has been made to the footprint that will require additional heritage assessment and survey. The area is shown in figure 6 below. This change is to accommodate a variation in the placement of transmission line poles.

Rye Park Renewable Energy has committed to undertaking the survey prior to the construction of the project. It is anticipated that the registered Aboriginal parties involved in previous surveys would also be afforded the opportunity to participate in the survey of these areas. A report detailing the results would be completed and added to an updated Addendum outlined in the section above. The RAPs would be provided an opportunity to comment on any findings and recommendations in accordance with the Heritage NSW *Consultation Requirements* and the report would be submitted to DPIE.



Rye Park Wind Farm Modification: Additional Areas

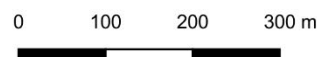
Additional Areas Requiring Survey

Legend

- | | |
|---|--|
|  Areas Requiring Survey |  RPWF Site boundary |
|  RPWF consented development |  Elevation |
|  Development Envelope Modification | |

Data Attribution
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Ref: 19-143_RPWF_Response to
 Submission_04082020_Mapping \ Additional
 Areas Requiring Survey
 Author: J. Tearle
 Date created: 06.08.2020
 Datum: GDA94 / MGA zone 55



NGH

Figure 6. Location of Additional Areas requiring Aboriginal heritage survey.