



Our ref: DOC21/268501
Your ref: SSD-10346

May Patterson
Department of Planning, Industry and Environment
Email: may.patterson@planning.nsw.gov.au

Advice provided via the Major Projects Portal

Dear Ms Patterson

Advice on EIS and recommended conditions – State Significant Development – Oxley Solar Farm (SSD 10346)

Thank you for your referral uploaded to the Major Projects Portal on 10 March 2021 seeking advice on the proposal and recommended conditions for the above state significant development (SSD) proposal.

In preparing the following advice we have reviewed the following documents:

- SEARs for SSD-10346, issued 2 August 2020
- Aboriginal Cultural Heritage Assessment Report (ACHAR) – prepared by NGH Consulting (NGH), dated February 2021
- Environmental Impact Statement SSD 10346 – Oxley Solar Farm – prepared by NGH Consulting, dated March 2021

Heritage NSW has reviewed the ACHAR prepared by NGH. It is noted that a total of 43 Aboriginal sites, 3 cultural trees and 21 areas of potential archaeological deposit (PAD) were identified within the proposal site. Proposed impacts have been identified to 16 Aboriginal sites, 3 cultural trees and 13 PADs. The archaeological investigation was completed in accordance with the *Code of Practice for the Investigation of Aboriginal Objects in NSW* (2010).

It is understood that consultation in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (2010) is ongoing. It is noted that the draft version of the ACHAR was provided to Registered Aboriginal Parties (RAPs) on 2 November 2019.

The ACHAR has been prepared in accordance with the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (2011). However, the ACHAR does not include a clear assessment of cultural values in accordance with the Burra Charter or a succinct significance statement of the heritage values present within and surrounding the proposal site. During the consultation process RAPs have noted the presence of a “*number of significant cultural sites*” in the local region and within the proposal site (NGH 2020: 44). There is no further discussion of these sites and it is unclear if the management and mitigation measures proposed consider harm to these sites as a result of the proposal.

The identification and assessment of cultural heritage values in accordance with the Burra Charter and *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (2011) is required to inform the management and mitigation strategies proposed for the proposal area.

The management and mitigation recommendations provided in Section 7.3 (page 73-74) of the ACHAR and Section 7.4.5 (page 165-167) of the EIS are considered adequate to a certain extent. Further assessment of the cultural heritage values of the proposal site and an updated

impact assessment to these values is required to inform additional management and mitigation measures to manage this harm.

Heritage NSW provides the following recommendations in addition to the management and mitigation measures included in the ACHAR and the EIS:

- Further analysis and description of the “significant cultural sites” referenced in the ACHAR is required. A cultural values assessment by a suitably experienced and qualified anthropologist is recommended.
- An updated cultural significance assessment is required that addresses the potential intangible heritage values within the proposal area. This should be developed in reference to the Burra Charter and the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (2011)*.
- An updated impact assessment of harm to any of the identified cultural heritage values as a result of the above is required. This will inform any additional management or mitigation measures that are identified as a result of this assessment.
- The recommended archaeological test excavation must be completed prior to approval so the results may inform appropriate conservation and mitigation conditions.
- The recommended community collection must be completed prior to the commencement of construction and/or ground surface impacts within the proposal area.
- A methodology for archaeological test excavation and community collection is required prior to both activities occurring. This should include a methodology for the long term management of any objects collected during these activities. The methodology should be developed in consultation with the RAPs with appropriate review timeframes.
- The finalised version of the ACHAR submitted with the EIS must be provided to the RAPs for review and any comments are to be included in the final document.
- All sites should be registered with AHIMS. Aboriginal Site Impact Recording Forms must be submitted to AHIMS following the test excavation, community collection, any future salvage excavation and after construction of the proposed works.
- An Aboriginal Cultural Heritage Management Plan must be developed for the proposed works to be included with the overall Construction Management Plan. This plan must be completed in consultation with the RAPs.
- An Aboriginal Cultural Heritage Induction should be provided to all staff, contractors and sub-contractors involved with the project during construction and operation of the proposal site.

If you have any further questions in relation to this matter, please contact Claire Rayner – Archaeologist, Aboriginal Cultural Heritage Regulation North on 9995 6824 or email at Claire.rayner@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'SH', located below the 'Yours sincerely' text.

Dr Samantha Higgs
Senior Team Leader, Aboriginal Cultural Heritage Regulation - North
Heritage NSW
9 April 2021