

NEVERTIRE SOLAR FARM BESS

Aboriginal Cultural Heritage Assessment Report



PR150183
1.0
1 December 2021

REPORT

Document status

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Approval for issue

Susan Kennedy

[Signature]

30 November 2021

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Appendix B Extensive AHIMS
Appendix C Unexpected Finds Procedures

Aboriginal Cultural Heritage Assessment Checklist for Reporting

Within this Aboriginal Cultural Heritage Assessment Report		Section / Figure / Table
1	Restricted information (Guide Section 3.1)	1.3
2	Confidentiality information (Guide Appendix D)	1.3
3	Copyright (Guide Appendix D)	1.3
	Signed indemnity on AHIMS Heritage Report Cover Sheet	Cover sheet
4	Description of proposed activity (Guide Section 3.2)	1.2
5	Indicate the proposed term of the AHIP (Guide Section 3.2)	1.4
6	Description of the area where the proposed activities are to be undertaken, the subject of this AHIP application including exclusion areas and maps (Guide 2.2.1, 3.1.2, 3.2)	1.1
	Property name, street address, cadastre information such as Lot and DP, local government area, parish and zone, subject of this AHIP application and any exclusion areas	1.1
	Described the environment/landscape relevant to the proposed activity including topography and geology	4
	Included a topographic map clearly showing the location of the land that is the subject of this AHIP application and any exclusion areas and development boundary. Map should include clear cadastre information including a Lot and DP number, the local government area, parish and zone (as applicable)	Figure 1.1
7	Description and identification of Aboriginal objects and AHIMS sites (Guide Sections 2, 2.2.2, 2.2.3, 3.1, 3.2, Appendix C)	
	Map of heritage values present and the elements in the landscape associated with those values	Figure 5.1
	Described Aboriginal people's past and/or current use of the land, relevant to the activity and the surrounding areas	5
	Included AHIMS site numbers	5.4
8	Details of other applications for AHIPs within the area which is the subject of this AHIP application (Guide Section 3.2)	N/A
	Indicated whether any other AHIPS have been issued or refused relating to the area subject to this AHIP application	The proponent is not aware of any other AHIP applications or existing AHIPS for the Study Area
	Included AHIP number and status	N/A
9	Details of the consultation process (Guide Sections 1.4, 2.3, 3.2)	3.1
	Provided a description of the consultation process conducted and how it meets the requirements set out in clause 80C of the National Parks and Wildlife Regulation 2009 / <i>Aboriginal Cultural Heritage Consultation Requirements for Proponents</i> . Identify where compliance has not been possible and provide associated documentation such as letters and advertisements	3.1
	Provided a list of registered Aboriginal parties	3.1
	Included copies of submissions received, issues raised and our responses.	Appendix A and Appendix B
10	Statement of significance of the cultural heritage values (Guide Sections 2.4 and 3.2)	6
11	Description of the actual or likely harm (Guide Sections 2.5 and 3.2)	7
12	Description of the measures to avoid harm (Guide Sections 2.6 and 3.2)	7.3

Within this Aboriginal Cultural Heritage Assessment Report		Section / Figure / Table
13	Description of the measures to minimise harm including (Guide Sections 2.5, 2.7, 3.2):	7.3
	Justified the measures chosen to minimise harm, including an explanation of all alternatives considered and why they were or were not included in the final proposal	7.3
	Shown how ecologically sustainable development principles have been considered	n/a
	Describe how cumulative harm has been considered	7.3

EXECUTIVE SUMMARY

RPS has been engaged by Elliott Green Power (EGP) to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) for a Battery Energy Storage System (BESS) (the proposal) to support the adjacent Nevertire Solar Farm in Nevertire. The project will involve the construction of up to 40 shipping container style battery storage.

The purpose of this Aboriginal Cultural Heritage Assessment Report is to document the assessment of potential impacts to Aboriginal heritage associated with the proposed works and to provide appropriate management and mitigation strategies to avoid harm to Aboriginal objects, Aboriginal places and cultural heritage values. This report has been compiled to meet the requirements of the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011). If necessary, the Aboriginal Cultural Heritage Assessment Report forms part of the application for an Aboriginal Heritage Impact Permit (AHIP). An AHIP is required if the proposed works will – directly or indirectly – harm an Aboriginal object, or a declared Aboriginal place.

The survey was undertaken on 22 September 2021 by RPS Senior Heritage Consultant Benjamin Slack together with Warren Local Aboriginal Land Council (LALC) representatives George Riley and Jodie Redman. The results of the survey indicate the project area has been subject to past disturbance such as cattle grazing, vegetation clearing, tree cutting, vehicle tracks, fences, gates, wiring and electricity easements.

The Project Area has no previously recorded sites within it, however four (4) AHIMS sites have been previously recorded within a one and a half kilometre radius of the Project Area. These sites consist of isolated artefacts and scarred trees. The Project Area has been demonstrably disturbed which would affect the archaeological integrity of cultural deposits and is considered to have a low archaeological potential. However, the ground visibility was moderate due to vegetation and leaf litter which inhibited potential artefact detection, it is therefore advised that works proceed in this area with caution.

Recommendations

Recommendation 1: Unexpected finds procedure, Aboriginal object/s

All relevant staff and contractors should be made aware of their statutory obligations for heritage under the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*.

If suspected Aboriginal objects are identified during construction the following procedures must be followed (**Appendix C**):

1. Immediately cease all activity at the location.
2. Ensure no further harm occurs, secure the area, consult with the onsite RAP.
3. Notify Environment Protection Authority's Enviro Line on 131 555, Warren LALC on 0268 474 599 and an archaeologist (RPS +61 2 8099 3200).
4. No further action to be undertaken until Heritage NSW provides written consent.

Recommendation 2: Unexpected finds procedure, human remains

Protocols must be provided that ensure the risk of encountering burials is appropriately managed. If burials are identified, work must immediately cease, the site must be secured, NSW Police must be contacted and HNSW must be notified.

All human remains in, on or under the land must not be harmed. If suspected human remains are located during any stage of the proposed works (**Appendix C**):

1. Immediately cease all activity at the site.
2. Ensure no further harm occurs, secure the area to avoid further harm to the remains.
3. Notify the NSW Police 000.
4. Notify the Environment Protection Authority's Enviro Line on 131 555, Warren LALC on 0268 474 599 and an archaeologist (RPS +61 2 8099 3200).

GLOSSARY

Table 1.1 Glossary and abbreviations

Abbreviation/Term	Meaning
Aboriginal cultural heritage	The tangible (objects) and intangible (dreaming stories, legends and places) cultural practices and traditions associated with past and present-day Aboriginal communities.
ACHAR	Aboriginal Cultural Heritage Assessment Report
ACHCR	Aboriginal Cultural Heritage Consultation Requirements
Aboriginal object	Defined in the NPW Act as; “Any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains,”
Aboriginal Place	A place declared under Section 84 of the NPW Act that, in the opinion of the Minister, is or was of special significance with respect to Aboriginal culture. Aboriginal places have been gazetted by the minister.
Aboriginal culturally modified tree	Defined in the NPW Act as; “a tree that, before or concurrent with (or both) the occupation of the area in which the tree is located by persons of non-Aboriginal extraction, has been scarred, carved or modified by an Aboriginal person by: (a) the deliberate removal, by traditional methods, of bark or wood from the tree, or (b) the deliberate modification, by traditional methods, of the wood of the tree.
Activity	A project, development, or work (this term is used in its ordinary meaning and is not restricted to an activity as defined by Part 5 EPA Act 1979).
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit. permit issued by the Director-General of Heritage NSW (or their delegate) authorising a person to harm or desecrate Aboriginal objects or places.
Archaeology	The scientific study of material traces of human history, particularly the relics and cultural remains of past human activities.
Archaeological deposit	A layer of soil material containing archaeological objects and/or human remains.
Archaeological investigation	The process of assessing the archaeological potential of an impact area by a qualified archaeologist.
Archaeological site	An area that contains surface or sub-surface material evidence of past human activity in which material evidence (artefacts) of past activity is preserved.
Archaeological test excavation	
Artefact	An object made by human agency (e.g. stone artefacts).
Code of Practice	<i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i> (DECCW 2010b),
Consultation Requirements	<i>Aboriginal cultural heritage consultation requirements for proponents</i> (DECCW 2010a).
CHMP	Cultural Heritage Management Plan
DEC	New South Wales (NSW) Department of Environment and Conservation (restructured to become DECC)
DECC	NSW Department of Environment, Conservation and Climate (restructured to become DECCW)
DECCW	NSW Department of Environment, Climate Change and Water (restructured to become the Office of Environment and Heritage)
DPIE	NSW Department of Planning, Industry and Environment

REPORT

Abbreviation/Term	Meaning
Development	Development as defined by the <i>EPA Act</i> as the use or subdivision of land, building construction and the associated works, any other thing, matter or act that may be controlled by an environmental planning instrument.
DA	Development Application
Disturbed land	Defined in the <i>NPW Act</i> as; land that has been the subject of a human activity that has changed the land's surface being changes that remain clear and observable. Examples include: soil ploughing, construction of rural infrastructure (such as dams and fences), construction of roads, trails and tracks (including fire trails and tracks and walking tracks), clearing vegetation, construction of buildings and the erection of other structures, construction or installation of utilities and other similar services (such as above or below ground electrical infrastructure, water or sewerage pipelines, stormwater drainage and other similar infrastructure) and construction of earthworks (such as previous drill sites or trenches).
Due diligence	Taking reasonable and practicable steps to determine whether a person's actions will harm an Aboriginal object and, if so, what measures can be taken to avoid that harm.
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA Act	<i>Environmental Planning and Assessment Act 1979 (NSW)</i>
The Guide	<i>Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW</i> (OEH, 2011)
Harm	With regard to Aboriginal objects this has the same meaning as the <i>NPW Act</i> : destroy, deface or damage an object; move an object from the land on which it is situated; cause or permit an object to be harmed.
Heritage NSW	Community Engagement, Department of Premier and Cabinet (previously DPIE and OEH)
Impact	Influence or effect exerted by a project or other activity on the natural, built and community environment.
Isolated artefact / find	A single artefact found in an isolated context.
LALC	Local Aboriginal Land Council
LEP	Local Environment Plan
LGA	Local Government Area
Management plans	Conservation plans which identify management strategies for all known sites recorded within a (usually approved) Study Area.
Methodology	The procedures used to undertake an archaeological investigation.
Mitigation	To address the problem of conflict between land use and site conservation.
NPW Act	<i>National Parks and Wildlife Act 1974 (NSW)</i>
NPW Regulation	<i>National Parks and Wildlife Regulation 2019 (NSW)</i>
NPWS	NSW National Parks and Wildlife Service
OEH	NSW Government Office of Environment and Heritage (restructured to become the DPIE)
PADs	Potential archaeological deposit. A location considered to have a potential for subsurface archaeological material.
Study Area	Defined area of the current project, as seen in Figure 1.1
RAPs	Registered Aboriginal parties
REF	Review of Environmental Factors
RPS	RPS Australia East Pty Ltd
Site	A place where past human activity is identifiable.
SU	Survey unit

NB. Abbreviations spelt out in the first instances, then abbreviated throughout the report

1 INTRODUCTION

RPS has been engaged by Elliott Green Power (EGP) to prepare an Aboriginal Cultural Heritage Assessment Report (ACHAR) for a Battery Energy Storage System (BESS) (the Proposal) to support the adjacent NSF in Nevertire. There is no suitable land available to install a BESS on the allotment which the original consent was granted. As such it is proposed to locate the BESS on a parcel of land immediately adjacent the solar farm (identified as Lot 38, DP755292) and the existing overhead transmission line easement.

This ACHAR was prepared under the requirements of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a), *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010b) and *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011).

The purpose of the ACHAR is to document the assessment of potential impacts to Aboriginal heritage associated with the proposal, provide recommendations to avoid or mitigate impact, and address HNSW's requirements. A key component of the ACHAR is consultation with Aboriginal stakeholders. If necessary, the ACHAR forms part of the application for an Aboriginal Heritage Impact Permit (AHIP). An AHIP is required if the proposal will – directly or indirectly – harm an Aboriginal object, or a declared Aboriginal place.

1.1 Study Area

The Study Area is located on a 2.5 hectare portion of land within Lot 38 of DP755292, across the road from NSF. NSF is located approximately 1km west of the Nevertire township within the Warren Shire Council Local Government Area (LGA).

The location of the study area in relation to NSF is shown in Figure 1.1.

1.2 Proposed activity

The proposed works include BESS to be constructed to support and integrate with NSF (Figure 1.2). It will have a capacity of up to 50 MW of power with energy storage of 100 MWh which is 2 hours at capacity at full power rating.

It is expected that the BESS will consist of up to 40 shipping container style battery energy storage packs using a lithium technology or similar. It will include battery storage containers, converters, ring main units (RMU), step-up transformers, HV underground feeders, connection to the NSF 22kV switchboard and associated roads, tracks, fences and control building.

The proposed development will consist of the following, subject to final design:

- Preliminary construction works and some small temporary works such as construction site sheds and compounds etc.
- Approximately 173m x 145m portion of land within existing land portion Lot 38 DP755292.
- Access road and maintenance track
- Boundary security fencing
- Up to 40 shipping container style (12.2m long 2.9m wide 2.6m high) of battery storage (20 containers: 7.2m long, 1.7m wide 2.5m high)
- Converter kiosks and RMU/step-up transformer kiosks (dimensions subject to final design).
- 22kV underground feeder cables
- Control building (typically 10m long 5m wide and 3m high; typically grey/white)
- Connection to existing Nevertire Solar Farm 22kV switchboard
- Associated drainage, outdoor lighting and security system.
- Water tank (5m diameter ~30kL).

Access to the BESS will be via the NSF access road which comes off from the Mitchell Highway (A32). A spur road will be built from the existing NSF access road into the BESS facility.

Overall, construction of the BESS will require site clearing, levelling and compacting; construction of infrastructure, trenching for cabling and concrete footings; construction of access roads, parking areas and driveways. The installation of batteries will require concrete slabs for BESS containers, construction of control buildings and fencing.

1.3 Information and privacy

1.3.1 Restricted information

No restricted information is provided in this report.

1.3.2 Confidentiality

No confidential information is included in this report. However, it is noted that the report contains details relating to the locations of registered Aboriginal heritage sites within and near the Study Area that may be considered confidential information by Registered Aboriginal Parties (RAPs).

1.3.3 Copyright

The report was prepared by RPS Australia East Pty Ltd for EGP.

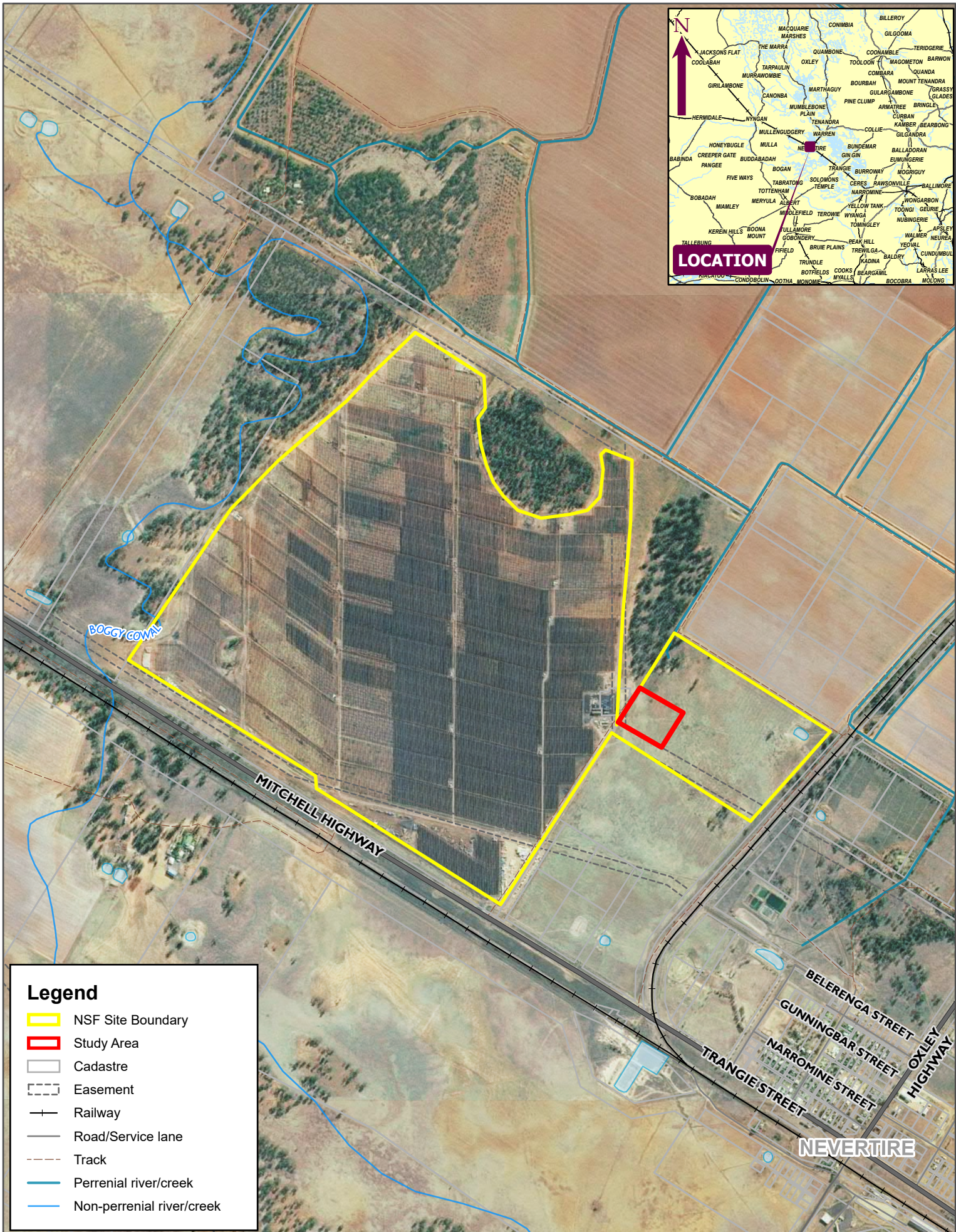
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1.4 Aboriginal Heritage Impact Permit (AHIP)

Where required, this ACHAR will act as supporting documentation for an AHIP application.

1.5 Authorship and acknowledgement

This report has been prepared by RPS Heritage Consultant Bengi Selvi-Lamb (MA Arch). This report was reviewed by RPS Senior Heritage Consultant/Archaeologist Sarah van der Linde and approved by RPS Sydney Heritage Manager, Susan Kennedy. Representatives of the registered Aboriginal Parties (RAPs) were involved in the consultation processes, which form the basis of this assessment. These representatives are listed in **Table 3.1**.



**FIGURE 1.1:
LOCATION OF
STUDY AREA IN
RELATION TO NSF**

VERSION: A

DATE EXPORTED: 29/09/2021 9:09 AM

TECHNICIAN: Natalie.Wood

LOCATION:
Nevertire Solar Farm

DATA SOURCES
Centennial, RPS.

0 100 200 300 400 500 m

SCALE 1:16,000 AT A4 SIZE
SPATIAL REFERENCE: GDA2020 MGA Zone 55

CLIENT: Elliott Green Power

PROJECT: PR150183

PURPOSE: Heritage

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c. any inaccuracies or other faults with information or data sourced from a Third Party.

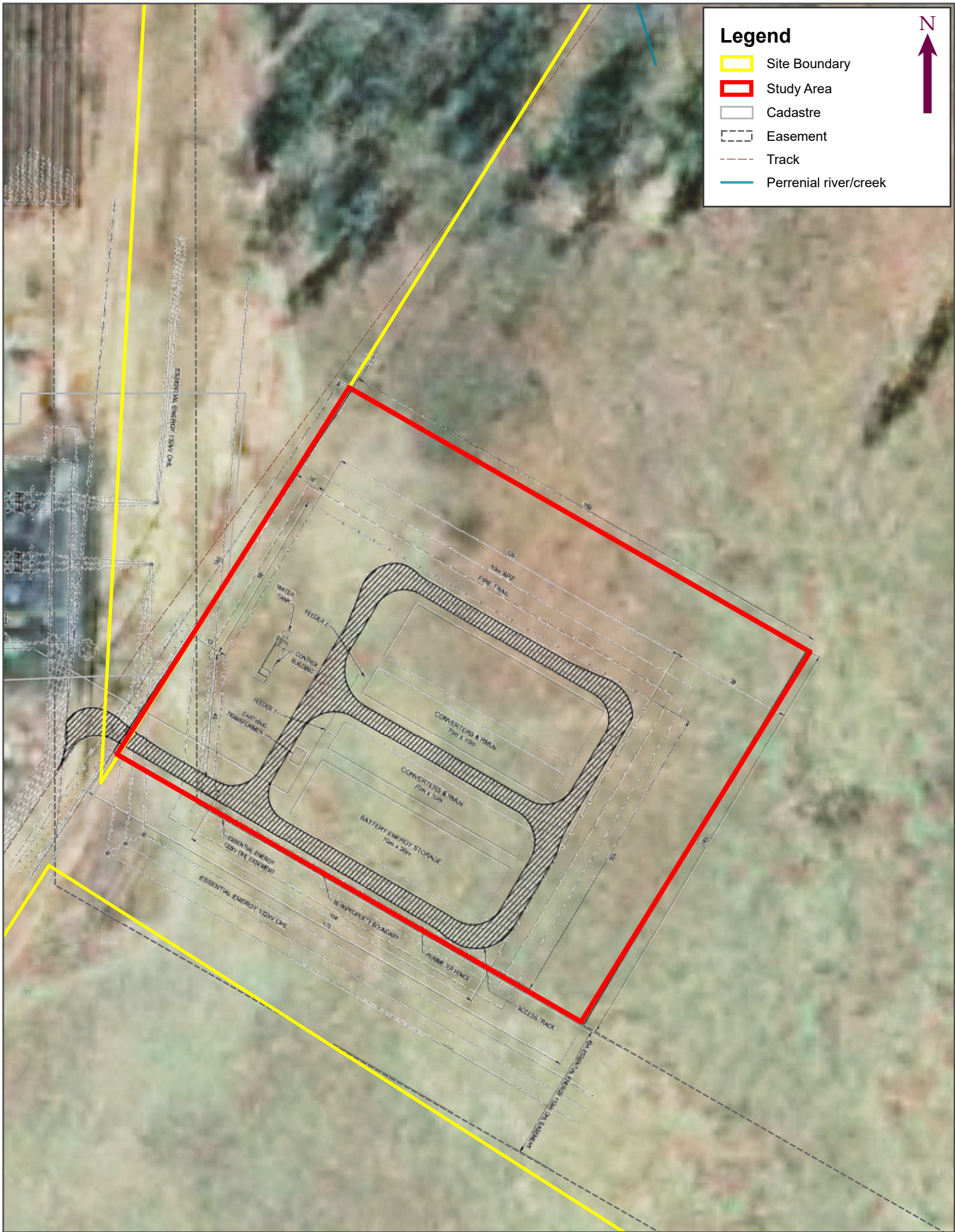
3. RPS Australia East Pty Ltd relying on surface indicators that are incorrect or inaccurate.

4. the Client or any Third Party not verifying information in this plan where recommended by RPS Australia East Pty Ltd.

5. judgments of this plan with any local authority or other person or entity.

6. the accuracy, reliability, suitability or completeness of any representations or estimates made or referred to by RPS Australia East Pty Ltd in this plan.

RPS



**FIGURE 1.2:
STUDY AREA**

VERSION: **A**

DATE EXPORTED: **25/10/2021 12:14 PM**

TECHNICIAN: **Natalie.Wood**

LOCATION:
Nevertire Solar Farm

DATA SOURCES
Centennial, RPS,

0 10 20 30 40 50 m

SCALE 1:1,500 AT A4 SIZE
SPATIAL REFERENCE: GDA2020 MGA Zone 55

CLIENT: **Elliot Green Power**

PROJECT: **PR150183**

PURPOSE: **Heritage**

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g. the accuracy, reliability, suitability or completeness of any representations or estimates made or referred to by RPS Australia East Pty Ltd in this plan.



2 LEGISLATIVE CONTEXT

The following overview of the statutory framework is provided solely for information purposes for the client, it should not be interpreted as legal advice. The following overview of the statutory framework is relevant to this project and should not be reinterpreted or applied to other projects. RPS will not be liable for any actions taken by any person, body or group as a result of this general overview. RPS recommends that specific legal advice be obtained from a qualified legal practitioner prior to any action being taken as a result of the summary below.

2.1 National Parks and Wildlife Act 1974

Aboriginal cultural heritage (objects and places) in NSW is protected by the *National Parks and Wildlife Act 1974* which is overseen by Heritage NSW (formerly DPIE, DECCW and OEH). In some cases, Aboriginal heritage may also be protected under the *Heritage Act 1977*, also overseen by Heritage NSW (formerly the Heritage Branch of the Department of Planning). The *Environmental Planning and Assessment Act 1979* and other environmental planning instruments trigger the requirement for the investigation and assessment of Aboriginal cultural heritage as part of the development approval process.

The *National Parks and Wildlife Act 1974* (NPW Act) is the principal Act providing protection for Aboriginal cultural heritage (objects and places) in NSW. It provides protection for Aboriginal cultural heritage irrespective of the level of archaeological or cultural heritage significance or land tenure. Heritage NSW is responsible for the administration of the NPW Act. The NPW Act provides protection for Aboriginal cultural heritage in NSW. Section 86 of the NPW Act states:

- “A person must not harm or desecrate an object that the person knows is an Aboriginal object”
- “A person must not harm an Aboriginal object”
- “A person must not harm or desecrate an Aboriginal place”

Under the NPW Act, it is an offence to harm an Aboriginal object or place. Harming an Aboriginal object or place may result in a fine of up to \$550,000 for an individual and imprisonment for two years; and in the case of a corporation, a fine of up to \$1.1 million. The fine for a strict liability offence (s86 [2]) is up to \$110,000 for an individual and \$220,000 for a corporation.

Harm under the NPW Act is defined as any act that: destroys defaces or damages the object; moves the object from the land on which it has been situated; causes or permits the object to be harmed. However, it is a defence from prosecution if the proponent can demonstrate 1) that harm was authorised under Section 90 of the NPW Act, or 2) that the proponent exercised due diligence in respect to Aboriginal cultural heritage. The due diligence defence states that if a person or company has exercised due diligence, liability from prosecution under the NPW Act will be removed or mitigated if it later transpires that an Aboriginal object was harmed. If an Aboriginal object is identified during the proposed activity, all activity within that area must cease and Heritage NSW notified (DECCW, 2010c:13). The due diligence defence does not authorise continuing harm.

2.1.1 Notification of Aboriginal objects

Under Section 89A of the NPW Act, the proponent must report all Aboriginal objects and places to the Director General of Heritage NSW within a reasonable time, unless already recorded on the Aboriginal Heritage Information Management System (AHIMS). Fines of \$11,000 for an individual and \$22,000 for a corporation may apply for each object not reported.

2.1.2 Investigating and assessing Aboriginal cultural heritage

There are a number of procedural publications governing archaeological practice in NSW. The publications relevant to the investigation and assessment of Aboriginal cultural heritage include;

- *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011);
- *Code of practice for archaeological investigation of Aboriginal objects in New South Wales* (the Code) (DECCW, 2010b); and,

- *Aboriginal cultural heritage requirements for proponents* (DECCW, 2010a)

The *Aboriginal cultural heritage consultation requirements for proponents* (2010a) codifies a process for consultation with Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal cultural heritage. The requirements are consistent with the NPW Act and seek, inter alia, to conserve Aboriginal objects and places of significance to Aboriginal people. Consultation is therefore a fundamental part of the Aboriginal cultural heritage assessment process.

2.1.3 AHIP under Part 6

An AHIP can be issued by the Chief Executive of the Department under Part 6 of the NPW Act where harm to an Aboriginal object or Aboriginal Place cannot be avoided. Section 90 of the NPW Act relates specifically to AHIPs. An AHIP can be issued, transferred, varied, surrendered, revoked or suspended.

2.2 Heritage Act (NSW) 1977

The *Heritage Act 1977* provides protection for environmental heritage including historic places, structures, relics, moveable objects and landscapes of significance. The *Heritage Act 1977* also affords protection to Aboriginal places of State heritage significance included on the State Heritage Register (SHR) or subject to an Interim Heritage Order. The Study Area is not included on the SHR.

2.3 Environmental Planning and Assessment Act (NSW) 1979

The *Environmental Planning and Assessment Act 1979* (EPA Act) regulates a system of environmental planning and assessment for NSW. Land use planning requires the consideration of environmental impact, including the potential impact on Aboriginal cultural heritage. The NPW Act therefore provides protection for Aboriginal objects or places, and the EPA Act necessitates an assessment of Aboriginal cultural heritage as part of the planning and approvals process.

2.4 Warren Local Environment Plan (LEP) 2012

The Study Area is within the Warren LGA. The Warren LEP 2012 aims to make local environmental planning provisions for land in Warren in accordance with the relevant standard environmental planning instrument under section 3.20 of the Act. The aims of the LEP are as follows:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- (a) to realise the economic potential of rural land in Warren by following the principles of sustainable natural resource management,
- (b) to encourage the proper management, development and conservation of natural and man-made resources in Warren by protecting, enhancing and conserving—
 - (i) agricultural land, and
 - (ii) timber, minerals, soil, water and other natural resources, and
 - (iii) the Macquarie Marshes Nature Reserve, and
 - (iv) areas of significance for nature conservation, and
 - (v) areas of high scenic or recreational value, and
 - (vi) places and buildings of archaeological or heritage significance, including relics and Aboriginal places of heritage significance,
- (c) to ensure that development is permitted on land with due regard to environmental constraints, accessibility and existing land use patterns,
- (d) to allow for the equitable provision of social services and facilities for the community,

- (e) to minimise land use conflicts and adverse environmental impacts,
- (f) to promote ecologically sustainable development.

2.5 Aboriginal Land Rights Act (NSW) 1983

The purpose of this legislation is to provide land rights for Aboriginal people within NSW and to establish Local Aboriginal Land Councils. Under Section 36 of the Act, a Local Aboriginal Land Council, on behalf of Aboriginal people, can claim certain Crown land that:

- Is able to be lawfully sold, leased, reserved or dedicated
- Is not lawfully used or occupied
- Will not, or not likely, in the opinion of the Crown Lands Minister, be needed for residential purposes
- Will not, or not likely, be needed for public purposes
- Does not comprise land under determination by a claim for native title
- Is not the subject of an approved determination under native title

Claims for land are by application to the Office of the Registrar, *Aboriginal Land Rights Act 1983*. No Indigenous land use agreements are currently over the Study Area.

2.6 Native Title Act (Cth) 1993

The Commonwealth *Native Title Act 1993* establishes a structure for the protection and recognition of native title where:

- Aboriginal people have a native title interest to maintain traditional customs and laws.
- Aboriginal people have sustained connection with the land or waters in question.
- The native title rights and interests are recognised by the common law of Australia.

The *Native Title Act 1993* establishes processes to determine where native title exists, how activities affecting upon native title may be carried out, and to provide compensation where native title is impaired or extinguished. The Act provides Aboriginal people who hold native title rights and interests, or who have made a native title claim, the right to be consulted and in some cases, to participate in decisions about activities proposed to be undertaken on the land. There are no Native Title Claims registered within the Study Area.

3 ABORIGINAL COMMUNITY CONSULTATION

It is acknowledged that Aboriginal people should be involved in the Aboriginal heritage planning process and are the primary source of information about the value of their heritage. This includes the best management and conservation measures for Aboriginal heritage and the way in which their cultural information (particularly sensitive information) is used. Aboriginal community consultation is regarded as an integral part of the process of investigating and assessing Aboriginal cultural heritage (OEH 2011).

3.1 Aboriginal Cultural Heritage Consultation Requirements

Aboriginal community consultation has been undertaken for this assessment and has followed the Consultation Requirements (DECCW, 2010a). The Consultation Requirements outline a four stage Aboriginal consultation process and mandate specific timeframes for each stage. The four stages are summarised below. All the consultation documentation for each stage is included in Appendix A.

3.1.1 Stage 1 – Notification of project proposal and registration of interest.

Stage 1 requires that Aboriginal people who hold cultural information are identified, notified and invited to register an expression of interest in the assessment. This identification process should draw on reasonable sources of information including: the relevant Heritage NSW Environment Protection and Regulation Group regional office, the relevant LALC(s), the Register of Aboriginal Owners, the Native Title Tribunal, Native Title Services Corporation, local council(s) and the relevant Local Land Services, as well as placing an advertisement in a local newspaper circulating in the general location of the activity. Aboriginal organisations and/or individuals identified should be notified of the activity and invited to register an expression of interest for Aboriginal consultation.

3.1.2 Stage 2 – Presentation of information about the proposed project

The aim of stage 2 is to provide registered Aboriginal parties identified during stage 1 information about the scope of the proposal and the proposed heritage assessment process.

3.1.3 Stage 3 – Gathering information about cultural significance

Stage 3 provides the opportunity for registered Aboriginal stakeholders to recommend culturally appropriate research methodologies for the cultural heritage assessment. At this stage registered stakeholders are invited to provide input to comment on proposed methodology, determine the cultural significance of Aboriginal objects and/or places within the Study Area. In turn they are also given the opportunity to have an input into the development of any cultural heritage management options.

3.1.4 Stage 4 - Review of draft cultural heritage assessment report.

The final stage of the Consultation Requirements requires all registered Aboriginal stakeholders to be provided with a copy of the draft ACHAR and given 28 days in which to review the document. This stage provides Aboriginal stakeholders with an opportunity to review the ACHAR prior to its submission with an AHIP application, if required. Further cultural information may be gathered at this stage and all comments received are then incorporated into the final report.

3.2 Record of consultation

A full record of all correspondence undertaken for this assessment is included in **Appendix A**.

In accordance with stage 1, in accordance with *Aboriginal Cultural Heritage Consultation Requirement for Proponents 2010* step 4.1.2, letters requesting the details of any Aboriginal people that may hold cultural knowledge relevant to the Study Area were sent to the following agencies by RPS on 13/08/2021:

- Warren Shire Council;

REPORT

- Heritage NSW;
- Office of the Registrar of Aboriginal Owners;
- Native Title Service Provider for Aboriginal Traditional Owners;
- Central West Local Land Services;
- Warren Macquarie Local Aboriginal Land Council (LALC)

In accordance with stage 1, step 4.1.3, Aboriginal people or organisations identified at step 4.1.2 were invited to register for the project are shown in Table 3.1. The full list of consultation steps, and a consultation log is provided in Appendix A.

Table 3.1 Aboriginal Organisations invited to register interest

Organisation	Representative
Warren Macquarie LALC	Jodie Redman
Ngemba, Ngiyampaa, Wangaaypuwan, Wayilwan Aboriginal Corporation	-
Ngemba Nation Elders Indigenous Corporation	Grace Gordon

The fieldwork was organised and the Warren Macquarie Local Aboriginal Land Council was invited to participate in the fieldwork by RPS. RAPs attended for a site visit on 22 September 2021 are listed in Table 3.2.

Table 3.2 RAPs who attended the site inspection

Organisation	Representative
Warren Macquarie LALC	Jodie Redman
Warren Macquarie LALC	George Riley

In accordance with stage 4, step 4.4.2, a draft copy of this ACHAR was forwarded to all RAPs on 29 October 2021. All RAPs were provided 28 days to review the document and make comments, request revisions or provide additions to this ACHAR. RAP review comments were due back 27 November 2021. No comments were received from Warren Macquarie Local Aboriginal Land Council for this report.

This report acknowledges the Traditional Owners and Elders, past, present and future, on whose land this project is located.

4 ENVIRONMENTAL CONTEXT

This section provides a summary description of the environmental context of the Study Area including topography, soils, geology, flora and fauna, hydrology and previous disturbance.

An understanding of environmental context is important for the interpretation of Aboriginal sites. The local environment provided natural resources for Aboriginal people, such as stone (for manufacturing stone tools), food and medicines, wood and bark (for implements such as shields, spears, canoes, bowls, shelters, amongst others), as well as landforms suitable for camping and other activities. The nature of Aboriginal occupation and resource procurement in relation to the local environment needs to be considered as part of the cultural heritage assessment process.

The decisions that people make regarding such things as where they live, the range of resources they use, and other aspects of daily life may be influenced by the environment in which they live. The preservation and visibility of sites is also affected by environmental factors such as vegetation cover, past land-use and disturbance. A review of the relevant environmental context is undertaken to assist in the identification of Aboriginal objects and/or places within and in proximity to the Study Area.

4.1 Geology and soils

4.1.1 Geology

The assessment of a particular rock formations can be significant with reference to the stone materials available. The rock types available in the Study Area would be suitable for the manufacture and maintenance of stone artefacts depending on their fracture mechanics.

The Study Area is located in Surat Basin within the Darling Riverine Plains Bioregion and the Bogan - Macquarie Subregion. The landforms are as sand and clay plains, with flat plains being the dominant feature (Welsh et al. 2014) (Figure 4.1).

The earlier depositions in the region occurred in the Early Jurassic. The sedimentary rocks of Surat Basin formed above the volcanic rocks. During the latest Early Cretaceous, the volcanic activity reshaped the deposition of the Surat Basin infill sequence. The Surat Basin is composed of sandstone, siltstone, mudstone, shale, coal, conglomerate, volcanic and tuff deposits (Welsh et al. 2014).

Two landforms are present in the Study Area based on the Descriptions for NSW (Mitchell) Landscapes from CRSEED¹:

- Boggy Cowal Alluvial Plains lies across the Study Area that is currently 82 per cent cleared, and
- Boggy Cowal Channels and Floodplains occurs around the edges of the Study Area and that is 65 per cent cleared.

4.1.2 Soils

Caarabear Western Soil Landscape

The Study Area is predominately located within Caarabear Western Soil Landscape that consist of alluvial sediments of the Macquarie River. A horizon (topsoil 0-3 mm) comprising light clay in dark grey (brownish grey) (Murphy and Lawrie 1998-2010). A1 horizon (3-120 mm) comprising dark grey (brownish grey) medium clay grading to B21 (120-450 mm) horizon grey (brownish grey) medium clay. B22 horizon (450-900 mm) comprising greyish brown (greyish yellow brown) medium heavy clay which overlies B23 horizon yellowish brown medium heavy clay till 1300 mm (Murphy and Lawrie 1998-2010) (Figure 4.2).

Bugwah- Upstream Soil landscapes

Younger Macquarie River alluvial sediments of Bugwah- Upstream soil landscapes lie along south-eastern boundary of the Study Area. A1 horizon (0-100 mm) comprising dark greyish brown light clay. B21 horizon

¹ geo.seed.nsw.gov.au

(100-300 mm) comprising very dark greyish brown (brownish black) medium loam grading to B22 horizon (300-700 mm) weak red (greyish red) medium clay (Murphy and Lawrie 1998-2010).

4.2 Topography and hydrology

The Central West subregion of the Northern Inland Catchments bioregion includes the Macquarie, Castlereagh and Bogan river basins. The Study Area is in between two major River Systems which are Macquarie and Bogan Rivers. Macquarie River runs from the north east and Bogan River from the south west. The confluence of Boggy Cowel is located around 2 km of north west of the Study Area (Figure 4.3).

The Study Area sits on broad flat plains between 150 and 300 m above sea level with rocky outcrops. These central west plains are characterised by small channels associated by the floodplains (Central West CMA, 2008).

The Surat Basin is part of the larger subsidence-depositional system, which also includes the Eromanga, Carpentaria and Clarence-Moreton basins. These basins have formed across large parts of Queensland and northern NSW (Smerdon and Ransley, 2012).

The Macquarie River (about 626 km long) is a major tributary of the Barwon River and is formed by the convergence of the Campbells and Fish rivers rising south of the subregion in the Great Dividing Range (NSW Government, 2010). The Macquarie River flows northward through steep gorge areas before flowing into Burrendong Dam upstream of Wellington. The river then flows through Wellington, enters the Central West subregion upstream of Dubbo and passes through Dubbo and Narromine. Downstream of Narromine a complex system of anabranches and distributary creeks connects the Macquarie and Bogan rivers (Welsh et al. 2014).

Groundwater in the Cenozoic Basalts occurs in local flow systems and is generally fresh. Groundwater in the Surat Basin system is found in the Drildool and Keelindi beds, as well as the Pilliga Sandstone. Between Narromine and Warren, these three aquifers are combined and referred to as the 'Sandstone Aquifer'. Waters are generally fresh, and suitable for town water, stock and domestic use. Downstream of Warren, the high sodium adsorption ratio renders GAB waters generally unsuitable for irrigation use (Welsh et al. 2014).

4.3 Flora and fauna

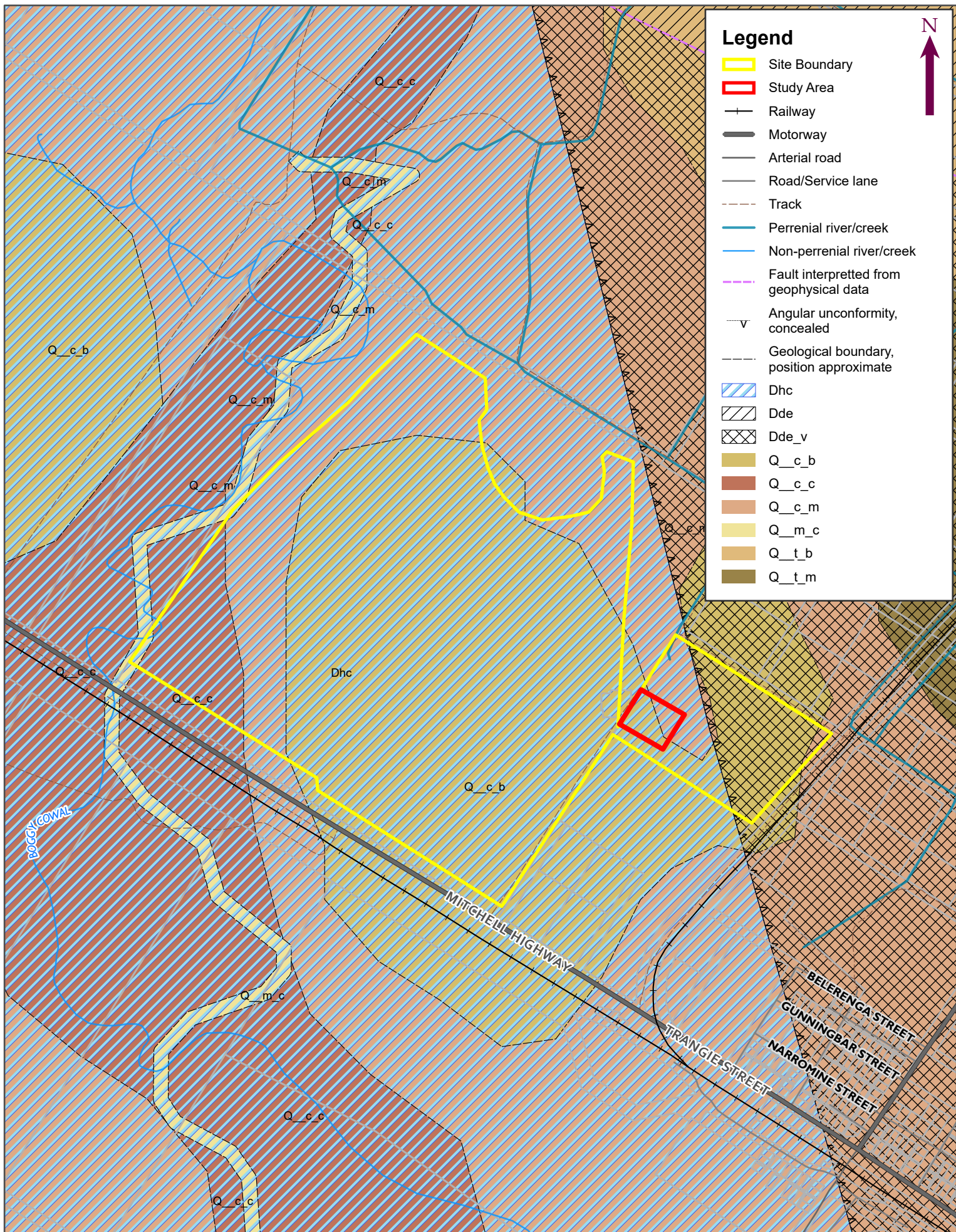
The Study Area is located in the Central West subregion which is part of the Northern Inland Catchments bioregion, also known as the Darling Riverine Plains Bioregion (Mitchell 2002; Welsh et al. 2014). As a result of significant modification of the land cover, around 62 per cent of the land cleared of native vegetation in the region (Welsh et al. 2014).

The pre-contact native flora of the Study Area comprised of extensive grasslands with myall (*Acacia pendula*), bumble box (*Eucalyptus populnea*), black box (*Eucalyptus largiflorens*) and belah (*Casuarina cristata*) tree scatters. Limited extend in the Study Area of white cypress pine (*Callitris glaucophylla*) woodland, now extensively cleared (Mitchell 2002).

The faunal data nearby the Study Area comes from Wellington Caves with the identified marsupial species of Megafauna such as Thylacine, Diprotodon, Proteomnodon and many more (Lane and Richards 1963). However, there is no archaeological evidence of contemporaneity Aboriginal occupation and Megafauna (Pearson 1981). The Aboriginal use of animal and plants will be discussed in Section 5.2.3.

4.4 Past land use and disturbance

Through the central subregion, grazing on modified pastures and cropping systems intermingle, with grazing on modified pastures becoming more dominant in the east and around Nyngan. Forestry, conservation and other natural environments account for about ten per cent of the subregion area. While economically important, irrigated cropping covers only two per cent (Welsh et al. 2014). The Study Area is extensively utilised for grazing. The region is mainly modified for pasture and surroundings are used for irrigated cropping for cotton, wheat and cereals, fodder and pasture.



**FIGURE 4.1:
GEOLOGY OF THE STUDY AREA**

VERSION: **A**

DATE EXPORTED: **29/09/2021 9:58 AM**

TECHNICIAN: **Natalie.Wood**

LOCATION:
Nevertire Solar Farm

DATA SOURCES
Centennial, RPS,

0 100 200 300 400 500 m

SCALE: 1:16,000 AT A4 SIZE
SPATIAL REFERENCE: GDA2020 MGA Zone 55

CLIENT: **Elliot Green Power**

PROJECT: **PR150183**

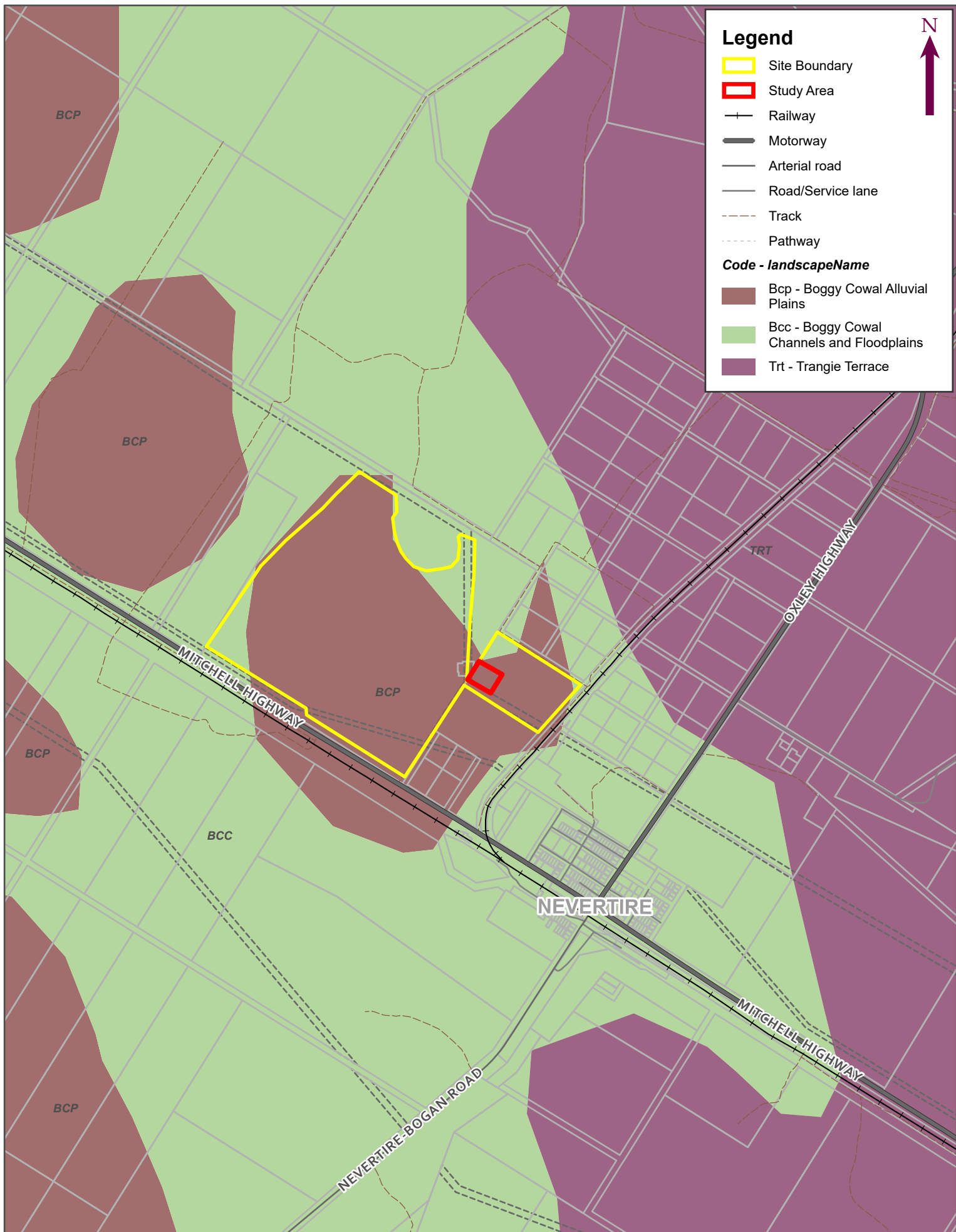
PURPOSE: **Heritage**

IMPORTANT NOTE
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**FIGURE 4.2:
MITCHELL SOIL LANDSCAPES OF THE STUDY
AREA**

VERSION: **A**

DATE EXPORTED: **29/09/2021 11:21 AM**

TECHNICIAN: **Natalie.Wood**

LOCATION:
Nevertire Solar Farm

DATA SOURCES
Centennial, RPS,

0 200 400 600 800 1,000 m

SCALE: 1:30,000 AT A4 SIZE
SPATIAL REFERENCE: GDA2020 MGA Zone 55

CLIENT: **Elliot Green Power**

PROJECT: **PR150183**

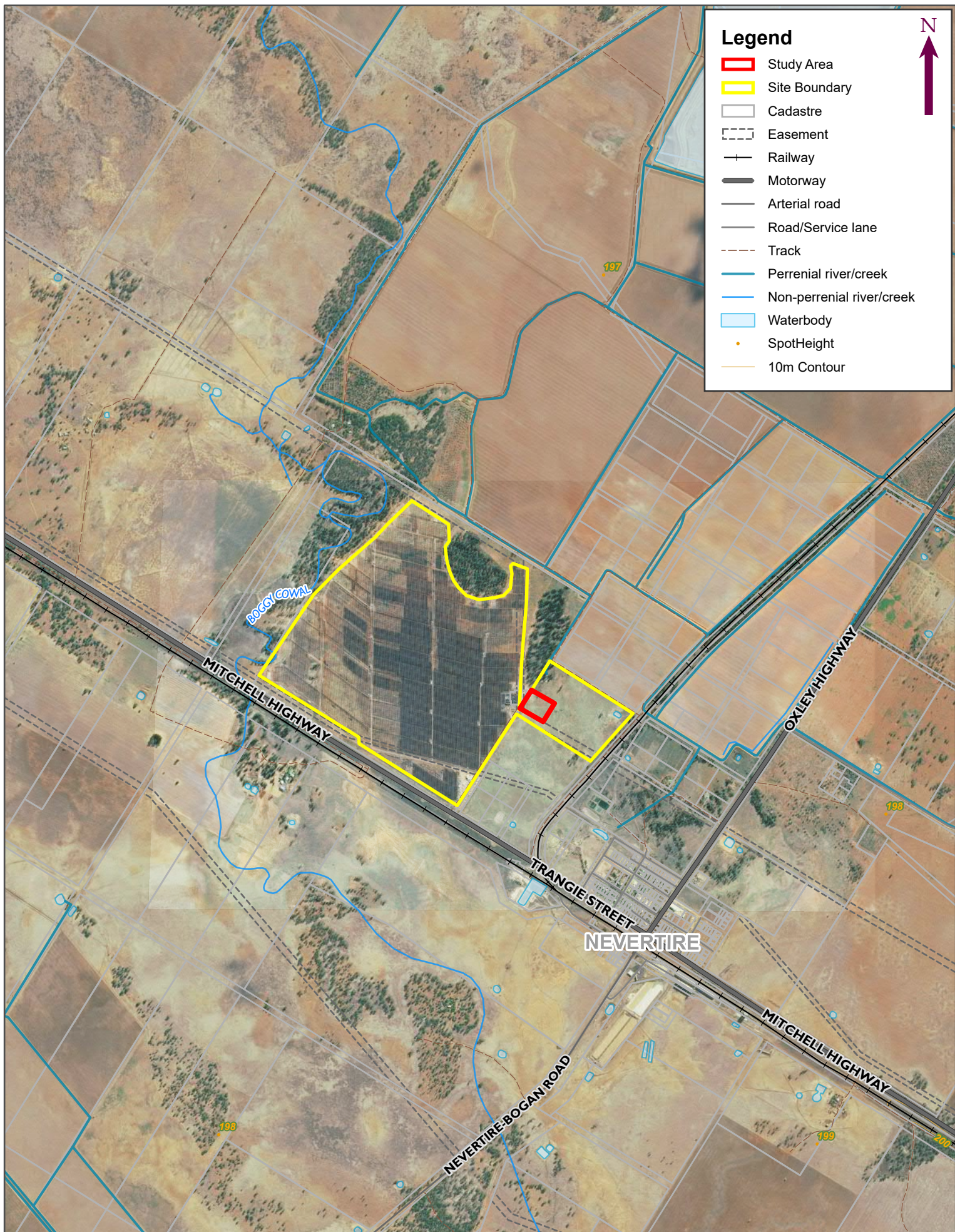
PURPOSE: **Heritage**

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**FIGURE 4.3:
HYDROLOGY OF THE STUDY AREA**

VERSION: **A**
DATE EXPORTED: **29/09/2021 11:59 AM**
TECHNICIAN: **Natalie.Wood**

LOCATION:
Nevertire Solar Farm

DATA SOURCES
Centennial, RPS,

0 200 400 600 800 1,000 m

SCALE: 1:30,000 AT A4 SIZE
SPATIAL REFERENCE: GDA2020 MGA Zone 55

CLIENT: **Elliot Green Power**
PROJECT: **PR150183**
PURPOSE: **Heritage**

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5 ABORIGINAL HERITAGE CONTEXT

This section synthesises information pertaining to the history and ethnography of the Study Area, as well as the regional and local archaeological context. This information has been drawn upon in the archaeological assessment of the study area and in formulating the recommendations presented in this report.

5.1 Ethnographic background

It is vital to acknowledge that all pre contact information regarding Aboriginal culture comes from early historical documents, which were produced for a number of reasons. These documents may therefore contain inaccuracies and/or bias in their reporting of events or other aspects of Aboriginal culture. While some historical documents may provide important information and insights into local Aboriginal customs and material culture at the time of non-Indigenous settlement and occupation of region, these documents must also be viewed with the acknowledgment of the potential for biases and inaccuracies.

The first occupation of Australia, mostly agreed by scholars that, began as early as 60.000 years ago, and reached to the far south in Tasmania around 35.000 years ago including the arid, semi-arid inland regions of the mainland. (Balme and O'Connor 2014, Cosgrove 1999, Veth et al. 2009, Roberts et al. 1994)

The Warren Shire acknowledges the Traditional Custodians of Ngemba, Wongaibon, Waiabara Wayilwan people as the First Nations of the land. The Study Area is located on intersection of the Wiradjuri and Ngemba, Wongaibon, Waiabara Wayilwan people².

The Warren region considered to be part of Ngiyampaa Wayilwan language group by the local Traditional Custodians (pers. comm K. Redman in NGH 2017). The Study Area suggested to be part of this language group which is defined by small groups speaking the similar dialects. Borders were not fixed due to movement of families and language groups.

The family members camped, sourced food, made shelter and performed other daily activities together. The small campsites, which are characterised by small artefact scatters and hearths across the landscape, are the material evidence of such activities. Larger sites with higher artefact density would provide evidence for places that were visited more frequently. These small family units were part of larger groups comprised of a number of families. They travel within the area defined by spiritual sites and might gather together for ceremonies where the resources were abundant in a particular time of year. The material remains of these gatherings would be larger, possibly comprising hearths, grinding implements, an array of stone tools and raw materials.

The traditional country of the Wiradjuri lies on central New South Wales, extending over the major river systems of the Murrumbidgee, Murray, Lachlan, Bogan and Macquarie rivers. Wiradjuri is used as a term collectively by people from around twenty tribes to describe an interconnected localised system of territory and language as well as a system of people and culture intersect via social networks across the cultural world who are still sharing a common history and cultural practices (Macdonald 1998-2011).

Macdonald described the notion of being Wiradjuri as "Whilst spatial and social identity may be distinguished from each other, they are also inextricably intertwined and inseparable from the notion of 'being a Wiradjuri person'. A Wiradjuri person is not just 'an Aboriginal person', nor even 'a person of Wiradjuri descent.' He or she is a person embedded in spatial and social understandings, values and practices which are widely recognised by Wiradjuri and neighbours who are engaged in the normative practices characteristic of this region" (Macdonald 2011).

5.2 Aboriginal history in the area

The central western communities utilised the Macquarie, Lachlan and Murrumbidgee Rivers as a primary source of food. The Wayilwan people occupied the region between Gilgandra and Brewarrina including the

² <https://aiatsis.gov.au/explore/map-indigenous-australia>

town of Warren and Macquarie Marshes which comprises the Study Area (Welsh et al. 2014). Limited archaeological investigations in the Study Area directed this study to investigate the broader region.

More recently in the Bogan riverine landscape, around 50 km north west of the Study Area, some landforms were associated with Aboriginal occupation. These features were recorded as relic drainage lines and tributaries which occur on the floodplain away from the main river channel (NGH 2012).

5.2.1 Past land use and activity

The geographical features and especially rivers play an important role in the identity of the broader region. The three rivers surrounding the region was associated with Wiradjuri people and their identity (Read 1988). Therefore, the land use has more meaning than the material culture and exploitation of the resources. In the region, ochre was another significant source, quarried for red and yellow ochre around Dubbo. The ochre was used as ornamentation for body and material culture and in ceremonies (Garnsey 1942). The archaeological evidence indicates that the ochre was subject to long distant trade of hundreds of kilometres from Dubbo and the ochre quarry site was also utilised for axe grinding industry (Garnsey 1942).

Previous study suggests that the farming and cultivation caused disturbance around the area, noting that previous surveys of a registered stakeholder recorded many scar trees, artefacts and hearths where the land was not disturbed (NGH 2012).

5.2.2 Aboriginal implements

Wooden, bone and shell implements were always accompanying stone tool artefacts in Aboriginal tool kit. These portable and multi-purpose set of tools and weapons were used for obtaining food and raw materials, transporting and storing food or used as tool making tools. Tools and weapons have a diverse range from fishing and hunting spears, spear-throwers, fishing hooks and lines, stone hatchets, shields, clubs to digging sticks, baskets, nets and other containers, as well as stones for pounding and beating plant foods and materials, stone wedges, and fire (Attenbrow 2010).

These implements were employed for modified trees and rock engravings for instance, which are common material cultural finds alongside with the stone artefacts. Modified trees may be results of a domestic or ceremonial bark removal. Often carved trees are associated with ceremonial places and burial grounds in the region. Engravings from Botobolar 5 rock shelter, which is located west of Dubbo, are exceptional in the region. The frieze of engravings are 12 m long and up to 1.5 m wide stretches across the wall of the shelter. The patterns are mainly of "animal tracks" (Macropod and bird tracks), five hand stencils (4 white and 1 red) and one hand print (red) (Pearson 1981).

Carved trees are noted for ceremonial or burial significance. The trees around the male burials in Wellington and Dubbo were noted as all carved trees, in the broader region. Another notable site is the bora ground in Wellington which included an area of mile long carved trees (Henderson 1851). Two scarred trees in a close proximity to the Study Area will be discussed in detail Section 6.1.

5.2.3 Food and useful plants

Broadly in the region of the Proposed works, water levels in the river systems over the seasons led central western people to travel due to the concerns over fishing in dry summers. However, on the Macquarie River fish and molluscs are available during dry summers and low water levels, that makes the river plain preferable to the dry inland (Pearson 1981).

Balme's research from western New South Wales suggested that people were having highly organised food gathering strategies. This may have enabled large gatherings of people. The earliest sites in the region are dated to between 27,000 and 24,000 year BP. The evidence of large quantities of food and fish netting proposed that the inhabitants lived in fairly large groups continuously, or at least occasionally congregated (Balme 1995).

Hundreds of midden sites of western New South Wales indicated that people have fished for many aquatic resources in the region since about 30,000 years ago. However, sites dating from about 7000 years ago are larger, and contain a greater range of fauna. Different bird species, possums, wombat and bandicoot species, macropod and murid species were found during the excavations. This diverse range of faunal sources suggests a change in camping practice resulting either from a change in economic strategy or the

development of more permanent base camps. This evidence is a regional example of adaptive and efficient exploitation strategies in Australia (Balme 1995).

Aside from the faunal remains gum nuts, seeds of geebung and macrozamia nuts were recorded in the central New South Wales region suggested to be consumed as food supported by ethno-historical sources (Maiden 1889 in Pearson 1981).

5.2.4 Campsite and shelters

The region has very few rock shelter sites with occupation deposit due to geological formation. Both sandstone and granite, which produce shelters, are restricted to the extreme eastern margin of the Macquarie Valley, along the Great Divide (Pearson 1981).

Two rock shelters were excavated by Pearson in the broader region, one is 30 km north east of Orange (Granites 2) and the second one is a group of five shelters which is called Botobolar 5, located 28 km east north east of Mudgee (Pearson 1981).

5.2.5 Burial practices

Two burial sites were recorded in proximity to the Study Area. One Aboriginal Place was recorded in Beemunnel Reserve 25 km north of the Study Area. Additionally, over 20 burial sites have been located in the region by Pearson based on ethnographic sources during his surveys (Pearson 1981).

5.2.5.1 Beemunnel Reserve³

Beemunnel Reserve is as a highly significant cultural and spiritual site by the local Wayilwan people of the Warren region. The site contains tangible evidence of traditional use, including burials and scarred trees, and is linked to additional significant traditional places on adjacent blocks, including numerous scarred trees, ovens, burials, ceremonial place, and the location of a group of carved trees that are removed. The landscape of Beemunnel Reserve, including Ewenmar (Beemunnel) Creek, the flood free high ground beside it, and the natural vegetation, was used by Wayilwan people for economic, cultural and ceremonial purposes.

The Wayilwan people, the local Aboriginal community, and the descendants of the residents of the Beemunnel Reserve continue to have a strong connection to the site, providing the community with the opportunity to maintain their culture and heritage, and the ability to reconnect with their country and ancestors. The site has a designated fenced repatriation area used to return ancestral remains from museums and other institutions to their country and final resting place.

5.2.5.2 The burial in Terramungamine near Dubbo

The burial was recorded in 1987 during landscaping works near Dubbo, which is 80 km west of the Study Area. One female and a small child was found with grave goods (Witter et al. 1993). Hiscock argues that grave goods buried must be considered as caches, which is a deliberate storage in a concealed location for some future use (Hiscock 1988).

Following the permission from the Aboriginal community the artefacts are interpreted as grave goods, and were analysed which included a series of conjoining thirteen rhyolite flakes, a pair of kangaroo incisors – bone artefact; two freshwater mussel shells; the bone tool made from a human tibia and small mammal bones (Witter et al. 1993). Other artefacts not associated with the burial fill are thought to be general camp debris, from the ground surface into which the burial pit was dug.

It was suggested that the grave goods were the personal belonging of the woman and were buried along with her and the child (Witter et al. 1993). Burial goods are rare except from limited historic accounts that

³ Heritage NSW 2021, Beemunnel Reserve NPW Act - Aboriginal Place listing
< <https://www.hms.heritage.nsw.gov.au/App/Item/ViewItem?itemId=5063555> > accessed on 4.August.2021

people carried their personal items in a basket or bag made of string or possum skin, but the contents of these are almost unknown.

5.2.6 Historic records of Aboriginal occupation

The historical documents were produced for a number of reasons including record keeping and recording observations. These may contain inaccuracies and/or bias in their reporting of events or other aspects of Aboriginal culture. Nonetheless, some historical documents provide important information and insights into local Aboriginal customs and material culture at the time of post-contact settlement and occupation of region.

Limited contacts were recorded in between the European settlers and Aboriginal people in this area. Only limited recognition of resistance by Aboriginal people was recorded, with little or no recognition of cultural connection to traditional lands were included in early European journals (Onnudottir 2001).

The early explorers Oxley and Sturt recorded the earliest observations around the Study Area. At the Talbragar River, near Dubbo, Oxley reported:

“We had as yet seen no inhabitants, and very few signs that the country is inhabited at all. Fish flesh and fowl are abundant, but there are no human beings to enjoy them but ourselves (Oxley 1820:219).”

A couple of families at Willandra Crossing were first seen by Oxley soon after followed by twenty men, women and children near Burraway, north of Narromine; and old man and woman at Warren (Oxley, 1820). His observations, which reflect the ethnocentric attitude typical of early cultural interactions, were as follows:

“[In this] primitive, pre-technological state the natives are only capable to kill kangaroos and emus through sheer luck/accident and they are totally ignorant about the sophisticated technique involved in catching a fish (Oxley 1820: 196 - 197).”

The group sizes were quite different in Sturt's traveling journals (Sturt 1833). During the dry summer he recorded twenty three Aboriginal people at Buddah Lake and fifty three at Warren. Lower down on the Macquarie towards the Darling junction, Sturt noted more large groups congregated around the rivers. His party also followed well-trodden Aboriginal pathways in the region (Sturt, 1833). Sturt noticed and acknowledged the kindness and friendliness of the Aboriginal people. However, he also often referred to the local Aboriginal people as an exotic part of the local environment. (Sturt 1833).

5.2.7 Post Contact

Limited studies address the issue of Aboriginal people's attachment to the historic heritage of the pastoral industry around the Study Area (Harrison 2004). European settlement of the grasslands of central New South Wales began with European squatters in the 1820s and 1830s, sparked by the international demand for Australian wool (Goodall 1995).

Even this early squatter settlement would have impacted traditional uses by Aboriginal people. Aboriginal plant and animal resources were compromised and seasonal movement across country was constrained due to the herding activities in the region. Aboriginal people were occasionally engaged as domestic workers, outdoor labourers, and more rarely as shearer roles which were available for Aboriginal on sheep stations. Some of Aboriginal workers were given rations, other Aboriginal labourers received cash wages equal to white labourers (Harrison 2004). Aboriginal children were helping to feed the animals and other domestic tasks with their parents. Later, when more white labour was available Aboriginal workers earnings declined significantly and eventually, Aboriginal workers were around 30 per cent of the total labourers in the beginning of 1900s (Goodall 1995). By 1930s the Aboriginal women had largely become unemployed following the Depression and pastoral work for men tended to be limited to contract shearing and stockwork (Beckett 1964).

In 1849, Governor Fitzroy was demanded to enforce an interpretation of the Lands Acts to guarantee Aboriginal people access to their traditional lands in the region. Earl Grey later called for the establishment of small, agricultural reserves for Aboriginal people. The aim was to form a dual occupational model where Aboriginal people and the squatters would have shared land rights. In 1850, around 40 of these areas were approved as reserves across the new pastoral districts in the region (Goodall 1996). The region around Dubbo and other districts outside the nineteen counties were approved to apply this model but it did not emerge due to the opposition of powerful pastoral lobby.

Employment of Aboriginal people in most of the farms and stations has been noted in heritage studies of the region. For example, the *Register of the National Estate for New South Wales* specifically identifies Aboriginal people's involvement in the work of any of the places listed, and the possibility that they might have been involved in their construction. However, the scale of involvement of Aboriginal people in the pastoral industry in central New South Wales is largely unrecognized in statutory heritage listings (Harrison 2004).

5.3 Overview of Aboriginal stone artefacts

The stone artefacts are the most common Aboriginal material which is identified in archaeological contexts and surface sites. Stone artefacts derive from the process of manufacturing, maintaining or using stone tools. Such stone tools were used for a variety of purposes including woodworking, processing and piercing skins for clothing, cutting and scraping and spear tips.

The use of stone tools by Aboriginal people was largely misunderstood by European colonists associated with the first arrival and adaptation to the land- environment is changing from unchanging core-tools and *ad hoc* flaked stone artefacts to increasing variety of stone artefacts along with tools made from organic materials and 'intangible technology' (Balme and O'Connor 2014, cf. Klein 2009). The changing notion of complex tool typologies in Australia following the dispersal out of Africa, can be interpreted as an adaptation of new and challenging environments. The basic stone tool reduction sequences would allow Aboriginal groups to work with available raw materials and combined with the organic materials utilised as tools forming assemblages as diverse as the landscape (Balme and O'Connor 2014).

5.3.1 Stone tool production

Stone tools are made by detaching a fragment of a stone which was removed by the application of force from the objective piece (core) (Crabtree 1972; Inizan et al. 1999). The use of the word 'flake' does not indicate a particular type, a specific use, or particular dimensions (Holdaway and Stern 2004). The flake may be of any size or dimension depending on which technique was used for detachment. Cores can be reduced by various techniques including 'percussion flaking' is a method of striking with a hammer or percussor (hammerstone) to detach flakes from a core. Another knapping technique is the indirect freehand percussion, which involves striking a punch-like object with a percussor. In this case, there is no direct contact between the percussor and the core (or 'objective piece').

The break points leave a positive mark on the flake and a negative mark on the core, which enable researchers to identify the technique used in knapping and they can provide an opportunity to refit the core. Both qualitative and quantitative attribute of flakes, cores, and reduction waste are individually recorded whilst conducting lithic analysis.

5.3.2 Stone raw material definitions

Definitions of common raw materials are possible to be present in the Study Area, following the study of Holdaway and Stern, are below (Holdaway and Stern 2004):

Chalcedony: a cryptocrystalline silica mineral that usually has a vitreous lustre with a variety of colours depending on the presence of various oxides

Chert: a fine-grained microcrystalline siliceous sedimentary rock that has been subject to diagenesis with the individual grains' invisible to the naked eye

Petrified Wood: the replacement of the organic remains of plant material by siliceous minerals forming fossilized or lithified wood.

Quartz: consists almost entirely of silica. It is usually glassy grey or white in colour, but trace amounts of other minerals can cause the rock to be clear, rose, purple, yellow and brown.

Quartzite: an extremely hard, resistant, fine grained to medium grained rock usually comprising over 90% quartz grains. It is formed from quartz sandstone that has been subjected to metamorphic processes.

Sedimentary Rocks: formed from the deposition of accumulated sediment which is then subject to compression and silicification forming lithified rocks.

Silcrete: This rock is formed by the cementation of silicified grains in a matrix of either amorphous, or fine-grained silica.

Tuff: is a pyroclastic volcanic rock which is formed by medium to fine grained material such as volcanic ash which has been subject to pressure.

5.4 Aboriginal Heritage Information System (AHIMS)

The aim of reviewing the relevant heritage information is to assist in identifying whether Aboriginal objects or places are present, or likely to be present within the Study Area. It also assists in defining areas of archaeological potential. The Aboriginal cultural heritage evidence is considered culturally significant by Aboriginal people as it represents tangible links to their past and to the landscape. The AHIMS show that a number of stone artefact sites have been recorded in the extended landscape surrounding the Study Area. Previous studies show that across the local area, isolated finds were found on the ground surface.

A basic search was undertaken of the AHIMS on 2 August 2021 (client service ID: 609315) encompassing Eastings: 561496- 572904, Northings: 6476006- 6483691 with no buffer (**Appendix B**). This basic search identified six sites within the search parameters, none of which are located within the Study Area (refer to Table 5.1 and Table 5.2) (Figure 5.1). The results of the extensive search of the same eastings and northings which was undertaken on the same day is shown below.

Table 5.1 Summary of extensive AHIMS search results

Site type	Frequency	Percentage
Artefact	3	60
Modified Tree (Carved or Scarred)	1	20
Relocated Artefacts (Repatriated Artefacts)	1	20
Total	5	100.0

Table 5.2 Summary of AHIMS within the searched coordinates

AHIMS	Site Name	Site Type	Status	Eastings	Northings
27-5-0224	Nevertire IF 3(Datum GDA)	Artefact	Destroyed	565672	6478990
27-5-0223	Nevertire ST 1(Datum GDA)	Modified Tree (Carved or Scarred)	Valid	566076	6479670
27-5-0225	Nevertire IF 2 (Datum GDA)	Artefact	Destroyed	566011	6479518
27-5-0226	Nevertire IF 1 (Datum GDA)	Artefact	Destroyed	567164	6479093
27-5-0213 ⁴	WTSR-ST1 (Datum AGD)	Modified Tree (Carved or Scarred)	Valid	564690	6479060
27-5-0227	Nevertire Solar Relocated Artefacts (Repatriated Artefacts) (Datum GDA)	Artefact	Valid	566073	6479666

No AHIMS sites are located within the Study Area.

AHIMS 27-5-0226 was recorded as a single artefact, around 300 m north west of the Study Area. The survey of NSF ACHAR recorded three **AHIMS** sites (**27-5-0224**, **27-5-0227** and **27-5-0226**) as single artefacts in a proximity to the Study Area. The repatriated artefacts were recorded under **AHIMS 27-5-0227**, following the Collection from NSF ACHAR. One single artefact of collection was placed in bags and tags

⁴ Coordinates on AHIMS does not correspond to location description in site cards.

buried in a plastic container approximately 4 m south west of the modified tree; **AHIMS 27-5-0223**. This scarred tree (**AHIMS 27-5-0223**) was identified as a mature bumble box, approximately 15 m in height. An elongated oval shape scarred was described around 25 cm above ground facing south. Another scarred tree occurred in AHIMS results in proximity to the Study Area. However, **AHIMS 27-5-0213** site card recorded the location of the scarred tree as 5 km east of Walgett to Pilliga, on the southern side of the road which is approximately 200 km north of the Study Area (Figure 5.2). Therefore, **AHIMS 27-5-0213** is not assessed in this study, in terms of Aboriginal heritage values due to the actual distance to the Study Area.

5.5 Archaeological Literature Review

A review of previous studies undertaken in the area, including archaeological surveys and excavations, is used to establish a better understanding of the archaeological potential of the Study Area.

NGH Environmental Pty Ltd, 2017, Aboriginal Cultural Heritage Assessment, Nevertire Solar Farm

NGH was engaged by Epuron Island GP Management Pty Ltd to prepare an Aboriginal Cultural Heritage Assessment (ACHA) for the Solar Farm which is adjacent to the Study Area. During the survey for ACHA three single artefacts and one scarred tree were recorded in the area.

The development planned to avoid the site Nevertire Scarred Tree 1 with a minimum 10m buffer placed around the tree. The sites (artefacts) recorded to the AHIMS with database which are mentioned above.

Collection and removal of Aboriginal Artefacts to a safe location took place on 6 September 2017 with Warren LALC. One artefact was collected during the collection. The artefact was repatriated around the scarred tree that is inside of 10 m buffer zone which has not to affected from the development.

The survey concluded that stone artefacts could occur within the proposed development footprint. However, based on land use there is negligible potential for the presence of intact subsurface deposits with high densities of objects or cultural material.

NGH Environmental Pty Ltd, 2012, Aboriginal Cultural Heritage Assessment Report, Nyngan Solar Farm

In 2012, NGH was engaged by AGL Energy Limited (AGL), to undertake an Aboriginal cultural heritage assessment in relation to the proposed Nyngan Solar Plant. The study area for the assessment is located on north of the Barrier Highway in Nyngan following lots: Lot 34, DP751328, Lot 24, DP751328 Lot 8, DP724628, Lot 7300, DP1156652 and the Barrier Highway Road Reserve.

The assessment was undertaken including an archaeological survey, assessment and historical assessment to assess the potential impact to heritage during the proposed works.

Three Aboriginal object locales were recorded during the survey, each comprised of a single stone artefact, including one silcrete core, one quartz core and a quartz flake. The Effective Survey Coverage for the surveyed area is proposed to be moderate to high, as a result, the small number of artefacts recorded is assessed to be an indicator of the low archaeological potential of the area. Undetected or subsurface stone artefacts are predicted to be present in extremely low density. Based on the density of the artefacts no further investigation such as subsurface test excavation was recommended.

RMS, 2019, New Dubbo Bridge NSW

Roads and Maritime Services was engaged Everick Heritage Pty Ltd. for preparing an Aboriginal Cultural Heritage Assessment for proposed works to build a new bridge over the Macquarie River and construct around 2.2 km of new highway and intersection upgrades between the Thompson Street / Whylandra Street intersection and the River Street / Bourke Street intersection in Dubbo, NSW.

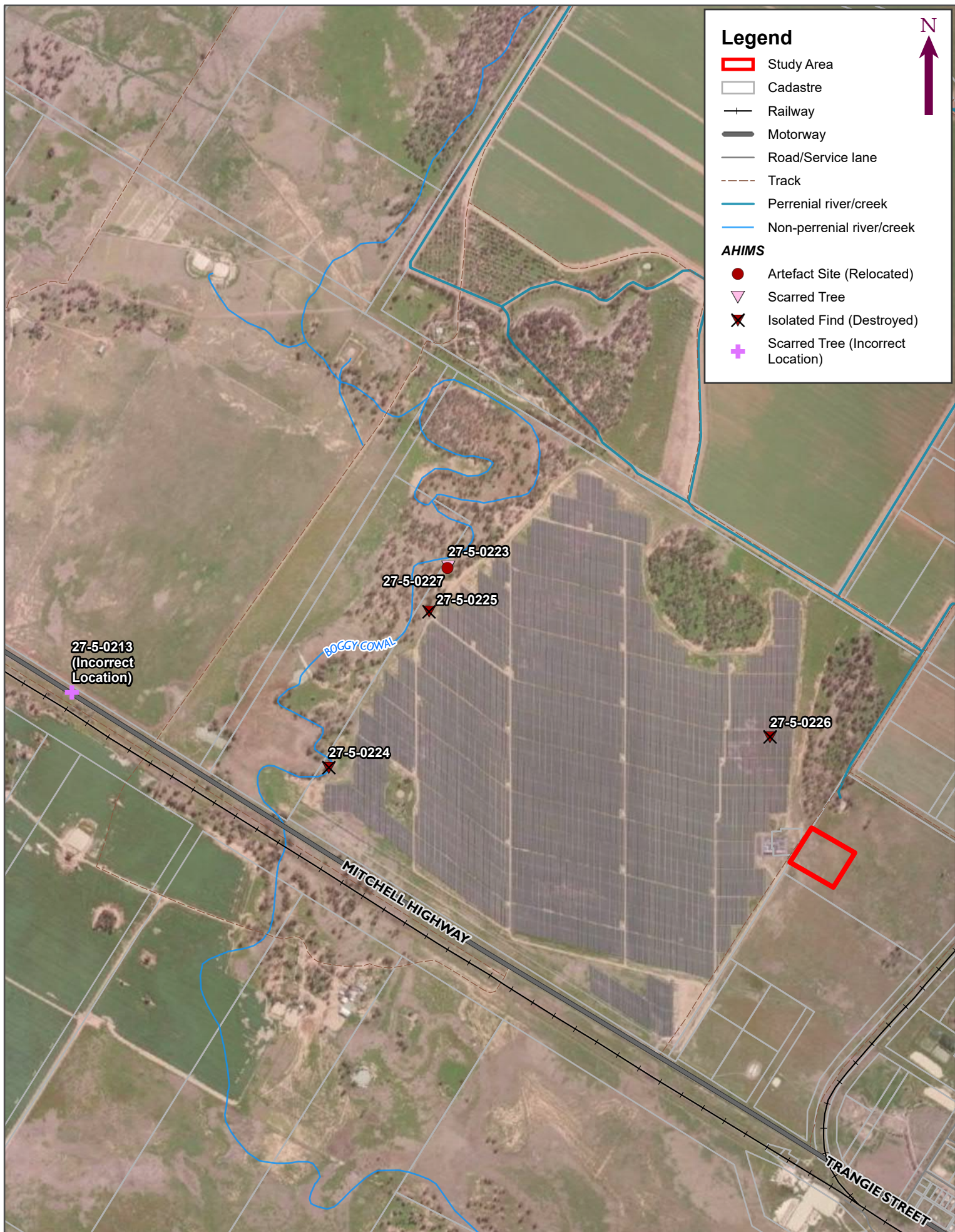
Archaeological test excavations were conducted in four Potential Archaeological Deposits (PADs) to understand the nature and extent of archaeological deposits within the study area. A total of 17 hand-excavated pits, each measuring 1 m² were either in cleared areas that have been subjected to grazing and cropping, or in cleared grassland of Wiradjuri Park. Disturbance across the proposal included vegetation clearing for grazing, vehicle tracks, fence construction, and intermittent flooding from the Macquarie River.

REPORT

During the test excavations one isolated flake located between PAD 2-3 and Pad 2-4 (Bunglegumbie Road 01 AHIMS 36-1-0751). The artefact is a broken medial fragment of a quartz flake.

Based on the consultation with RAPs it was considered that larger archaeological sites would be located closer to the bank of the Macquarie River or they may have been destroyed through flood activity and the deposition of alluvial soils following the clearing of lands by early farming.

The Terramungamine Grinding Grooves were relocated and discussed during the excavation program, however no decisions were made regarding the cultural significance or management of this site. It is concluded that the absence of high density and culturally diverse stone artefact scatters is not unexpected based on the landscape and the absence of any specific landforms, such as ridge crests, rock outcrops or water confluences, which are known to be associated with large campsites.



**FIGURE 5.1:
STUDY AREA AND AHIMS SITES**

VERSION: **A**
 DATE EXPORTED: **17/10/2021 9:29 PM**
 TECHNICIAN: **Natalie.Wood**

LOCATION:
Nevertire Solar Farm
 DATA SOURCES
 Centennial, RPS, Maxar

0 100 200 300 400 500 m
 SCALE: 1:16,000 AT A4 SIZE
 SPATIAL REFERENCE: GDA2020 MGA Zone 55

CLIENT: **Elliot Green Power**
 PROJECT: **PR150183**
 PURPOSE: **Heritage**

IMPORTANT NOTE

1. This plan was prepared for the sole purposes of the client for the specific purpose of producing a photographic overlay plan. This plan is strictly limited to the Purpose and does not apply directly or indirectly and will not be used for any other purpose, purpose, use or matter. The plan is prepared without the assumption of a duty of care to any other person (other than the Client) ("Third Party") and may not be relied on by Third Party.

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f. RPS Australia East Pty Ltd, in reliance of this plan with any local authority against the recommendations of RPS Australia East Pty Ltd;

g. the accuracy, reliability, suitability or completeness of any representations or estimates made or referred to by RPS Australia East Pty Ltd in this plan.

5.6 Regional Archaeological Models

Pearson's site catchment analysis compiles the fieldwork and historic records to interpret the patterns of settlements and land use in the broader region of Upper Macquarie. The analysis suggested site distance from the water source varied between 10-500 m, averaging around 90 m, presence of shelter and elevation played an important role and mostly sites were preferred to be open woodland in order to obtain fuel are the essential factors for site locations (Pearson 1981).

Additionally, burial sites and grinding grooves were chosen to be close to the occupation sites where the suitable outcrop occurring for grinding, in contrast to stone arrangements, ceremonial sites and grounds which were situated away from campsites (Pearson 1981).

The survey conducted by Koettig aimed to understand the relationship between site types/locations and landform and water sources (Koettig 1985). The results provided insights for distribution of the Aboriginal sites among all landscapes. The most common site types recorded were open artefact scatters, modified trees and grinding grooves. Three main factors were underpinned for site modelling (Koettig 1985):

Geological formation: Some site types are only occurred in particular geography. For instance, grinding grooves requiring the sandstone outcrop.

Proximity to water: The largest campsites are located close to water source, even though sites were found in all landscapes.

Food Accessibility: Some seasonal foods may be away from permanent watercourses, however, most of the food sources were along the waterways.

5.7 Summary of background information

The results of the AHIMS search and a review of previous assessments in the area demonstrate that the most common site types are modified trees and isolated artefacts. This suggests that the potential for significant subsurface deposits in the wider area is unknown due to lack of salvage or test excavations.

The broader central west region of NSW has been impacted by European land use, which historically both utilised and cleared the surrounding vegetation for land use. The surface artefacts recorded in previous studies may be visible as a result of ploughing and grazing.

The results of the previous studies around the region suggests that the region has been previously extensively impacted and the landscape modified, which would affect the archaeological integrity of any cultural deposits. Therefore, the Study Area is considered to have low archaeological potential due to the past disturbances and the proximity to watercourses.

5.8 Results of Archaeological Survey

The site visit has been undertaken in accordance with the Heritage NSW documents *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH, 2011), *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW, 2010a) and *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW, 2010b).

5.8.1 Survey Strategy

The main aim of the field investigation was to identify and record any surface artefacts including any evidence of past Aboriginal occupation within the Study Area. Since there are no AHIMS sites within the Study Area, the field investigation aimed to sample all landform elements in the Study Area, identify any Potential Archaeological Deposits (PAD), and compile data for management strategy for the potential Aboriginal archaeological heritage of the area.

Total on-foot inspection was carried out within the Study Area by the limits of surface visibility and vegetation coverage. Although the construction foot print of the battery installment will be limited to 2.5 hectare, the construction method will likely to impact underground heritage values. Therefore, the survey strategy was to

walk within transects approximately 20 m apart in parallel lines to maximise the field coverage and consequently to walk unsystematically on the cleared fields. Survey notes and photos of landforms and visibility information were taken in the field.

5.8.2 Survey Coverage and Results

The site visit was conducted on 22 September 2021 by RPS Senior Heritage Consultant Benjamin Slack together with Warren LALC members George Riley and Jodie Redman. During the visual inspection single landform was observed; comprising cleared fields in flat landform (Plate 5.1 and Plate 5.2). The Study Area is located on a 2.5 hectare portion of land within Lot 38 of DP755292, which was completely surveyed on foot. In total, seven transects were walked by the field team within the Study Area.

The ground surface visibility was good (≈50%) along with moderate ground surface exposure (40%) (Plates 5.3 and 5.4). Surface exposures were present along with pasture grass and weeds, no trees or low lying shrubs were observed.

Mainly, single soil type was observed on exposures revealing hard, light grey clay; the topsoil was absent in the Study Area. Erosion was prevalent throughout and nill A Horizons were observed (Plate 5.5). Light grey clay was exposed mostly on vehicle tracks and on pastureland. The site had undergone significance disturbances from cattle with tracks throughout the Study Area; significant recent rainfall had created a boggy environment which had since set to form a hard surface.

Other disturbances include cattle, tree cutting, vehicle tracks, fences, gates, wiring and towers, and electricity easements (Plate 5.6). No Aboriginal objects or sites were identified in the area and no raw materials suitable for stone tool manufacture were observed.

Plate 5-1 Open cattle field



Plate 5-2 Open cattle field



Plate 5-3 Visibility in the field



Plate 5-4 Pasture grass and visibility



Plate 5-5 Evidence of erosion



Plate 5-6 Electricity easement, powerplant, fences



6 CULTURAL HERITAGE VALUES AND STATEMENT OF SIGNIFICANCE

The Burra Charter provides guidance for the conservation and management of places of cultural significance or cultural heritage places and is based on the knowledge and experience of the Australian ICOMOS members. Conservation management of places of cultural significance is an integral and ongoing responsibility. The definition of cultural significance as supplied by the Burra Charter focuses on scientific, aesthetic, historic, or social values of the past, present and future generations (ICOMOS, 2013). The Burra Charter defines cultural significance as “*embodied in the place itself, its fabric, setting, use, associations, meanings, records, related places and related objects*” (ICOMOS, 2013).

Aboriginal cultural heritage is assessed using the categories developed by the Burra Charter:

- Social and cultural value (assessed by Aboriginal people only);
- Spiritual value;
- Scientific/archaeological value;
- Aesthetic value; and
- Historical value.

This section of the report provides an assessment of these values within the Study Area. The significance criteria relate to research potential, representativeness, rarity and educational potential the significance assessment matrix is in Table 6.1.

Table 6.1 Aboriginal Cultural Heritage Significance Assessment Matrix

Significance Assessment Matrix				
Significance	Potential to provide further archaeological information			
		Low	Moderate	High
	Low	Low	Low	Medium
	Medium	Low	Medium	High
	High	Medium	High	Major

Significance of Aboriginal Cultural Heritage based on the Guide to investigating, assessing and reporting on Aboriginal cultural heritage in Part 6 of the NSW NPW Act 1974

6.1 Social and cultural value

Social cultural value refers to “*the associations that a place has for a particular community or cultural group and the social or cultural meanings that it holds them to*” (ICOMOS, 2013).

The consultation process during the site visit has indicated that the Study Area is likely to have low Aboriginal heritage values, presumably due to the distance to the watercourses and past disturbance.

6.2 Spiritual value

Spiritual value refers to: “*the intangible values and meaning embodied in or evoked by a place which give it importance in the spiritual identity, or the traditional knowledge, art and practices of a cultural group. Spiritual value may also be reflected in the intensity of aesthetic and emotional responses or community associations and be expressed through cultural practices and related places*” (ICOMOS, 2013).

The connection to nature and Aboriginal cultural heritage are integrated and cannot be separated. However, the spiritual value of the Study Area is low based on the consultation with the Warren LALC representatives and desktop assessment.

6.3 Scientific/archaeological value

The scientific and archaeological values are assessed through further defining the rarity, representativeness, integrity, connectedness, complexity and potential for further archaeological deposits. The assessment of these values follows the guidelines identified in Section 2.4.2 of the *Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011) (Table 6.2).

Table 6.2 Archaeological significance criteria

Criteria	Description
Rarity	Is the subject important in demonstrating a distinctive way of life, custom, process, land-use, function or design no longer practiced? Is it in danger of being lost or of exceptional interest?
Representativeness	How much variability (outside and /or inside the subject area) exists, what is already conserved, how much connectivity is there?
Research Potential	Is the subject area important in demonstrating a distinctive way of life, custom, process, land-use function or design no longer practised? Is it in danger of being lost or of exceptional interest?
Education Potential	Does the subject area contain teaching sites or sites that may have teaching potential?

The Study Area has been subject to previous disturbances and erosion. The archaeological significance for the Study Area is nil to low and underground Aboriginal Artefacts is unlikely be impacted due to the proposed works. This assessment is summarised in Table 6.3.

Table 6.3 Significance assessment of the Study Area

Criteria	Description
Research potential	The research potential of the Study Area is considered to be low due to absence of material culture during the site visit.
Representativeness	Representativeness of the Study Area is considered to be nil due to absence of material culture during the site visit and desktop assessment.
Rarity	Rarity of the Study Area is considered to be nil due to absence of sites and archaeological value.
Educational potential	Educational potential of the Study Area is considered to be nil to low due to absence of artefacts or sites can be incorporated in learning methods.

6.4 Aesthetic value

Aesthetic value refers to “the sensory, scenic, architectural and creative aspects of the place” this is often linked with social values. These values may consider colour, texture, scale, form, sensory association with place or usage including sound and smell and the fabric or material of the landscape (OEH 2011).

The Study Area does not hold an aesthetic value *per se* as a grazing land, therefore no aesthetic value can be affected by the proposed works.

6.5 Historical value

Historic value refers to the associations Aboriginal people have with places, historically important people, events and phases including post-contact places such as missions, reserves and massacre sites.

The consultation process to date has identified the values outlined below:

No historic values have been identified, during the consultation process that would be affected by the proposed works.

6.6 Statement of significance

RPS acknowledges that all artefacts hold cultural significance to Aboriginal people as they form part of the wider cultural landscape. RPS acknowledges that the Study Area is culturally significant as part of the wider Aboriginal cultural landscape. The assessment of significance is used to develop appropriate management and mitigation recommendations.

The Study area broadly contains low cultural value due to previous disturbances and proximity to water sources based on regional archaeological modelling, it has been assessed as having low archaeological significance due to its low density of artefacts from previous surveys and studies as well as nill artefacts from the site visit.

7 IMPACT ASSESSMENT

This section provides a description of the proposed development assessed for this project. The description includes a summary of the previous impacts, proposed impacts and the potential harm of Aboriginal objects and/or places within the Study Area.

7.1 Previous Impacts to the Study Area

The alignment of the proposed BESS installment has been heavily impacted by farming activities, the existing overhead powerlines, construction of the solar farm, the railway and the development of the township of Nevertire. However, Aboriginal artefacts and cultural material remain in the wider region, indicating the presence of past Aboriginal people and hinting the use of this landscape.

7.2 Proposed Activity

The proposed works to be undertaken at the Lot 38-DP755292 adjacent to NSF within the Warren Shire Council LGA, include BESS to be constructed to support and integrate with the solar farm.

The proposed activity would include:

- Site clearing, levelling and compacting
- Construction of infrastructure, trenching for cabling and concrete footings
- Construction of access roads, parking areas and driveways
- Installation of batteries, concrete slabs for BESS containers
- Construction of control buildings and fencing

7.3 Potential Harm of Proposed Activity

The proposed works within the Study Area will involve subsurface disturbance, lay down of equipment and vehicular movements which will impact the surface and ground subsurface.

The proposed works have potential to impact the remaining natural soil deposits or subsurface cultural material if present. The previous disturbance to the area and the results of the archaeological survey makes it unlikely that Aboriginal objects and or places will be harmed during the proposed works.

7.3.1 Management and Mitigation Measures

The overall guiding principle for cultural heritage management is that where possible Aboriginal sites should be conserved. If conservation is not practicable, measures should be taken to mitigate against impacts to Aboriginal sites.

The nature of the mitigation measures recommended is based on the assessed significance of the site/s and is informed by the cultural significance provided by the Aboriginal community during consultation.

Mitigation measures vary depending on the assessment of archaeological significance of a particular site and are based on the significance criteria discussed in Section 4. In general, the significance of a site would influence the recommended conservation outcomes and appropriate mitigation measures, on the following basis:

- Low archaeological significance – conservation where possible, an AHIP would be required to impact the site prior to works commencing.
- Moderate archaeological significance – conservation where possible. If conservation is not practicable, salvage excavations or similar mechanisms determined in consultation with the Aboriginal community may be necessary under an AHIP.
- High archaeological significance – conservation as a priority. Only if all practicable alternatives have been exhausted would impacts under an AHIP be considered justified. Comprehensive salvage excavations may be necessary.

There is a low likelihood for the potential for further artefactual deposits and no AHIMS sites will be impacted during the works. Although the site is extensively disturbed, previously the Project Area would have been utilised by Aboriginal people. The following recommendations are proposed to mitigate harm:

7.3.2 Avoiding and minimising harm

Although the potential to impact or harm Aboriginal objects is low, the site would have been utilised by Aboriginal people of the past. It is recommended that Cultural heritage inductions be undertaken by all personnel involved in the impact works to ensure any unexpected finds are managed.

7.3.3 Intergenerational equity

Intergenerational equity is defined as the principle that the “present generation should ensure the health, diversity and productivity of the environment for the benefit of future generations” (DECCW 2009:29). Intergenerational equity requires an understanding of the cultural and archaeological landscape and must consider the cumulative impact of a proposal.

7.4 Principles of ecologically sustainable development

When assessing harm, the NPW Act requires consideration of the principles of ecologically sustainable development, including the precautionary principle and the principle of inter-generational equity.

7.4.1 Precautionary principle

The precautionary principle states that if there is a risk of serious or irreversible harm, lack of certainty should not be used as a reason for postponing cost-effective measures to prevent environmental degradation. The precautionary principle requires “careful evaluation to avoid, wherever practicable serious or irreversible damage to the environment” and “an assessment of the risk rated consequences of various options” (DECCW 2009: 26). It is important to consider the precautionary principle when:

- The proposal involves a risk of serious irreversible damage to an Aboriginal object or place, or to the value of that object or place.

There is uncertainty about cultural or archaeological value, including in relation to the condition, rarity or representativeness of an Aboriginal object or place (DECCW 2009:26).

No previously registered Aboriginal cultural sites have been identified within the Project Area and the results of the archaeological survey indicate a nil to low chance of sub-surface material due to significant historic disturbances.

8 RECOMMENDATIONS

This ACHAR has been compiled in accordance with the Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW, Part 6 of NPW Act. The following conclusions have been drawn from the available environmental, cultural and archaeological information for the Study Area in addition to the results of the archaeological survey conducted for this assessment.

During the archaeological site survey, no Aboriginal Objects were located, as such the potential for further subsurface deposits within the Project Area is low.

Recommendation 1: Unexpected finds procedure, Aboriginal object/s

All relevant staff and contractors should be made aware of their statutory obligations for heritage under the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*.

If suspected Aboriginal objects are identified during construction the following procedures must be followed (**Appendix C**):

1. Immediately cease all activity at the location.
2. Ensure no further harm occurs, secure the area, consult with the onsite RAP.
3. Notify the Environment Protection Authority's Enviro Line on 131 555, Warren LALC on 0268 474 599 and an archaeologist (RPS +61 2 8099 3200).
4. No further action to be undertaken until Heritage NSW provides written consent.

Recommendation 2: Unexpected finds procedure, human remains

Protocols must be provided that ensure the risk of encountering burials is appropriately managed. If burials are identified, work must immediately cease, the site must be secured, NSW Police must be contacted and HNSW must be notified.

All human remains in, on or under the land must not be harmed. If suspected human remains are located during any stage of the proposed works (**Appendix C**):

1. Immediately cease all activity at the site.
2. Ensure no further harm occurs, secure the area to avoid further harm to the remains.
3. Notify the NSW Police 000.
4. Notify the Environment Protection Authority's Enviro Line on 131 555, Warren LALC on 0268 474 599 and an archaeologist (RPS +61 2 8099 3200).

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- geo.seed.nsw.gov.au (accessed on 4.August.2021)

Appendix A
Consultation Log and Documents

Aboriginal Consultation Log for Nevertire ACHAR

Steps of consultation		Date	Due Date	Response Date	Action
Local Advert		29.July.2021	13.August.2021		
Government Agencies					
Name	Email				
National Native Title Tribunal	Online Search	online search done on 28 July 21			Online search identified close native title claimant Ngemba, Ngiyampaa, Wangaaypuwan and Wayilwan. Their information searched on the registrar
Office of Registrar Aboriginal Land Rights Act	adminofficer@oralra.nsw.gov.au	29.July.2021	13.August.2021		
Central West Local land services	admin.centralwest@lls.nsw.gov.au	29.July.2021	13.August.2021		
Warren shire council	council@warren.nsw.gov.au	29.July.2021	13.August.2021	29.July.2021	Jodie Redman- Warren Macquarie Local Aboriginal Land Council was provided
NTScorp	information@ntscorp.com.au	29.July.2021	13.August.2021		
Heritage NSW	heritagemailbox@environment.nsw.gov.au	29.July.2021	13.August.2021		
Aboriginal Corporations for Eol					
Warren Macquarie LALC	warrenlalc@gmail.com	29.July.2021	13.August.2021		
Ngemba, Ngiyampaa, Wangaaypuwan, Wayilwan Aboriginal Corporation	nkim@ntscorp.com.au	29.July.2021	13.August.2021		
Ngemba Nation Elders Indigenous Corporation	grace.gordon29@icloud.com	29.July.2021	13.August.2021		
Notification of Registered Aboriginal Parties names to regional DECCW and LALC - 28 day after the due day of Eol					
Comments on Methodology from Registered Aboriginal Parties					

Fieldwork

Warren Macquarie LALC invited to field survey. Jodie Redman and George Riley attended the site survey with Benjamin Slack

22.September.2021

Comments on draft Report

No comments received from LALC

Date	Consultation Description	Method of Contact	Outcomes
30/08/2021	B. Selvi-Lamb sent an email to WLALC a letter inviting field work participation.	email	
10/09/2021	B Selvi-Lamb called to invite LALC to site visit, information requested about the pa	phone	
10/09/2021	Jodie Redman/WLALC emailed the rates and availability	email	
10/09/2021	B. Selvi-Lamb sent an email of acknowledgement	email	
14/09/2021	B Selvi-Lamb called LALCon site visit and payment	phone	
14/09/2021	B. Selvi-Lamb sent an email for site visit date	email	
14/09/2021	B. Selvi-Lamb sent an email for OHS documents for site visit	email	
20/09/2021	Jodie Redman/WLALC emailed OHS documents for George Riley	email	
21/09/2021	Jodie Redman/WLALC emailed OHS documents for Jodie Redman	email	
22/09/2021	Site visit		
29/10/2021	B Selvi-Lamb sent the Draft report for WLALC review	email	
5/11/2021	B. Selvi-Lamb Follow up call to WLALC no response	phone	
22/11/2021	B. Selvi-Lamb Follow up call to WLALC no response	phone	
22/11/2021	B. Selvi-Lamb follow up email to WLALC	email	

CLASSIFIEDS

Adult Services

Automotive

Buy & Sell

Jobs & Training

Legal

Tributes

Search classifieds

**Notification for registration of interest
for Aboriginal stakeholders**

On behalf of Elliot Green Power (EGP), RPS are seeking to identify Aboriginal people or groups who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the project area.

The proposed works to be undertaken at Lot 38 DP755292 adjacent to Nevertire Solar Farm, Mitchell Highway, Nevertire, include construction of a Battery Energy Storage System (BESS) to support and integrate with the solar farm.

The purpose of this community consultation with Aboriginal people is to assist the proposed applicant in the preparation of an Aboriginal Cultural Heritage Assessment (ACHA) and to be involved in consultation should the proponent need to apply for an AHIP and to assist the Director General of DECCW in his or her consideration and determination of the application.

If you are an Aboriginal person or groups who may hold cultural knowledge, please forward the relevant contact details by no later than the 13 August 2021 to:

Susan Kennedy RPS Group

Level 13, 255 Pitt Street

Sydney NSW 2000, Australia

or susan.kennedy@rpsgroup.com.au

In compliance with the Heritage NSW

Aboriginal Cultural Heritage Consultation Requirements for Proponents

(2010) the contact details for the relevant Project Manager can be found above.

29/07/2021 - General Notices

Liberal

From: [Maryanne Stephens](#)
To: [Bengi Selvi-Lamb](#); [Susan Kennedy](#)
Cc: [Cassy Mitchell](#)
Subject: FW: Request of information for Expression of Interest for Archaeological Investigation - Nevertire Solar Farm
Date: Thursday, 29 July 2021 12:21:07 PM
Attachments: [image001.png](#)
[image002.png](#)

CAUTION: This email originated from outside of RPS.

Good afternoon

The only contact that Warren Shire Council can provide in relation to Aboriginal cultural heritage is;

Jodie Redman

Warren Macquarie Local Aboriginal Land Council
164 Dubbo Street
WARREN NSW 2824

Ph: (02) 6847 4599
M: 0458 679 546

Regards,

Maryanne Stephens

Manager Health & Development | Warren Shire Council

A: 115 Dubbo Street Warren NSW 2824 | PO Box 6 Warren NSW 2824

P: 02 6847 6600 |

E: Maryanne.Stephens@warren.nsw.gov.au

[Discover the Warren Region](#)

www.warren.nsw.gov.au

From: Council Calendar <council@warren.nsw.gov.au>
Sent: Thursday, July 29, 2021 10:11 AM
To: Maryanne Stephens <mjs@warren.nsw.gov.au>; Cassy Mitchell <cam@warren.nsw.gov.au>
Subject: FW: Request of information for Expression of Interest for Archaeological Investigation - Nevertire Solar Farm

From: Bengi Selvi-Lamb <Bengi.Selvi-Lamb@rpsgroup.com.au>
Sent: Thursday, 29 July 2021 9:40 AM
To: Council Calendar <council@warren.nsw.gov.au>
Cc: Susan Kennedy <Susan.Kennedy@rpsgroup.com.au>
Subject: Request of information for Expression of Interest for Archaeological Investigation - Nevertire Solar Farm

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning,

Elliot Green Power (EGP), has engaged RPS to prepare an Aboriginal cultural heritage assessment report and undertake consultation in accordance with the *Aboriginal cultural heritage consultation requirements for proponents* (DECCW 2010) for Nevertire Solar Farm for the addition of a Battery Energy Storage System (BESS) within the Warren Shire Council Local Government Area.

The report will be prepared for the area subject to the proposal ("the proposal area"). The proposal area is located adjacent to Nevertire Solar Farm which is approximately 1km west of the Nevertire township in the Warren Shire Council local government area. The proposal area is defined as Lot Lot 38, DP755292.

RPS, on behalf of EGP, is requesting the names of Aboriginal people who hold cultural knowledge relevant to determining the significance of Aboriginal cultural heritage within the proposal area.

In accordance with Section 4.1.2 of the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*, RPS are seeking to identify Aboriginal people or groups who may hold cultural knowledge relevant to determining the significance of Aboriginal objects and/or places within the project area. If your organisation is aware of any such Aboriginal people or groups that may want to be involved in the project, please forward the relevant contact details by no later than the **13 August 2021** to:

Susan Kennedy

Level 13, 255 Pitt Street
Sydney NSW 2000, Australia
susan.kennedy@rpsgroup.com.au

Kind regards,

RPS

Bengi Selvi-Lamb

Heritage Consultant
RPS | Australia Asia Pacific
Level 13, 255 Pitt Street
Sydney NSW 2000, Australia
T +61 2 8099 3200 **F** +61 2 8099 3299
D +61 2 8099 3335 **M** +61 405 908 602
E bengi.selvi-lamb@rpsgroup.com.au



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This email and its attachments may contain confidential and/or

From: [Bengi Selvi-Lamb](#)
To: warrenlalc@gmail.com
Cc: [Susan Kennedy](#); [Sarah van der Linde](#)
Subject: Invitation to attend site inspection for the proposed development works of Battery Energy Storage System at Nevertire
Date: Monday, 30 August 2021 4:40:00 PM
Attachments: [image001.png](#)
[PR150183 Invitation to site visit WLALC.pdf](#)

Good afternoon,

Please find attached invitation for the site visit for the Battery Energy Storage System at Nevertire Solar Farm. We would like to conduct the site visit with the Traditional Custodians of the land and understand the Aboriginal Cultural Heritage of the region.

If you have any further questions, please don't hesitate to contact me.

Kind regards,
Bengi

Bengi Selvi-Lamb

Heritage Consultant
RPS | Australia Asia Pacific
Level 13, 255 Pitt Street
Sydney NSW 2000, Australia
T +61 2 8099 3200 **F** +61 2 8099 3299
D +61 2 8099 3335 **M** +61 405 908 602
E bengi.selvi-lamb@rpsgroup.com.au



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Our ref: PR150183



Level 13, 255 Pitt Street
Sydney NSW 2000
T +61 2 8099 3200

Date: 30 August 2021

Warren Local Aboriginal Land Council
PO Box 321
Warren 2824 NSW

Dear Sir/Madam,

RE: Invitation to attend Site inspection for the proposed development works of Battery Energy Storage System (BESS) at Lot 38-DP755292 adjacent to Nevertire Solar Farm.

RPS would like to invite you an inspection of the site on an agreed day between 20-24 September 2021 in order to gather your understanding of the area. The skill and knowledge you possess is much valued and appreciated. Your input to the understanding of the cultural significance of the Proposal Area is most important to record and protect the Aboriginal cultural heritage. Therefore, RPS would like to organise the site visit with Warren Local Aboriginal Land Council to conduct the cultural heritage assessment of the area.

The address of the site is Lot 38-DP755292 adjacent to Nevertire Solar Farm, which is located approximately 1km west of the Nevertire township within the Warren Shire Council Local Government Area (**Figure 1**), and the meeting point and time to be confirmed.

Please contact us via email or phone to for your preferred date of the site visit. If you have any further enquiries regarding the above, please do not hesitate to contact me on the below mentioned email or numbers.

Yours sincerely,
for RPS Australia East Pty Ltd

Bengi Selvi-Lamb
Heritage Consultant
bengi.selvi-lamb@rpsgroup.com.au
+61 2 8099 3200

Figure 1 Site Location



From: [WLALC](#)
To: [Bengi Selvi-Lamb](#)
Subject: Re: Invitation to attend site inspection for the proposed development works of Battery Energy Storage System at Nevertire
Date: Friday, 10 September 2021 2:49:59 PM

CAUTION: This email originated from outside of RPS.

Hello Bengi

Mr George Riley can do the site survey. He will be available on all days, except Thursday 23/09. [REDACTED].

Regards

Jodie Redman

Warren Local Aboriginal Land Council
164 Dubbo Street
WARREN NSW 2824

Ph: (02) 6847 4599
M: 0458 679 546

On 30/08/2021 4:40:43 PM, Bengi Selvi-Lamb <bengi.selvi-lamb@rpsgroup.com.au> wrote:

Good afternoon,

Please find attached invitation for the site visit for the Battery Energy Storage System at Nevertire Solar Farm. We would like to conduct the site visit with the Traditional Custodians of the land and understand the Aboriginal Cultural Heritage of the region.

If you have any further questions, please don't hesitate to contact me.

Kind regards,

Bengi

Bengi Selvi-Lamb

Heritage Consultant

Appendix B

Extensive AHIMS

AHIMS Web Services (AWS)

Extensive search - Site list report

Your Ref/PO Number : PR150183

Client Service ID : 609625

<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status **</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
27-5-0224	Nevertire IF 3	GDA	55	565672	6478990	Open site	Destroyed	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	Mr.Matthew Barber,Mr.Matthew Barber,NGH Heritage - Fyshwick,NGH Heritage - F <u>Permits</u>							
27-5-0223	Nevertire ST 1	GDA	55	566076	6479670	Open site	Valid	Modified Tree (Carved or Scarred) : -		
	<u>Contact</u>	<u>Recorders</u>	Mr.Matthew Barber,NGH Heritage - Fyshwick <u>Permits</u>							
27-5-0227	Nevertire Solar Relocated Artefacts	GDA	55	566073	6479666	Open site	Valid	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	Mr.Matthew Barber,NGH Heritage - Fyshwick <u>Permits</u>							
27-5-0225	Nevertire IF 2	GDA	55	566011	6479518	Open site	Destroyed	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	Mr.Matthew Barber,Mr.Matthew Barber,NGH Heritage - Fyshwick,NGH Heritage - F <u>Permits</u>							
27-5-0226	Nevertire IF 1	GDA	55	567164	6479093	Open site	Destroyed	Artefact : -		
	<u>Contact</u>	<u>Recorders</u>	Mr.Matthew Barber,Mr.Matthew Barber,NGH Heritage - Fyshwick,NGH Heritage - F <u>Permits</u>							
27-5-0213	WTSR-ST1	AGD	55	564690	6479060	Open site	Valid	Modified Tree (Carved or Scarred) : -		
	<u>Contact</u>	<u>Recorders</u>	Craig Wall <u>Permits</u>							

**** Site Status**

Valid - The site has been recorded and accepted onto the system as valid

Destroyed - The site has been completely impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There is nothing left of the site on the ground but proponents should proceed with caution.

Partially Destroyed - The site has been only partially impacted or harmed usually as consequence of permit activity but sometimes also after natural events. There might be parts or sections of the original site still present on the ground

Not a site - The site has been originally entered and accepted onto AHIMS as a valid site but after further investigations it was decided it is NOT an aboriginal site. Impact of this type of site does not require permit but Heritage NSW should be notified

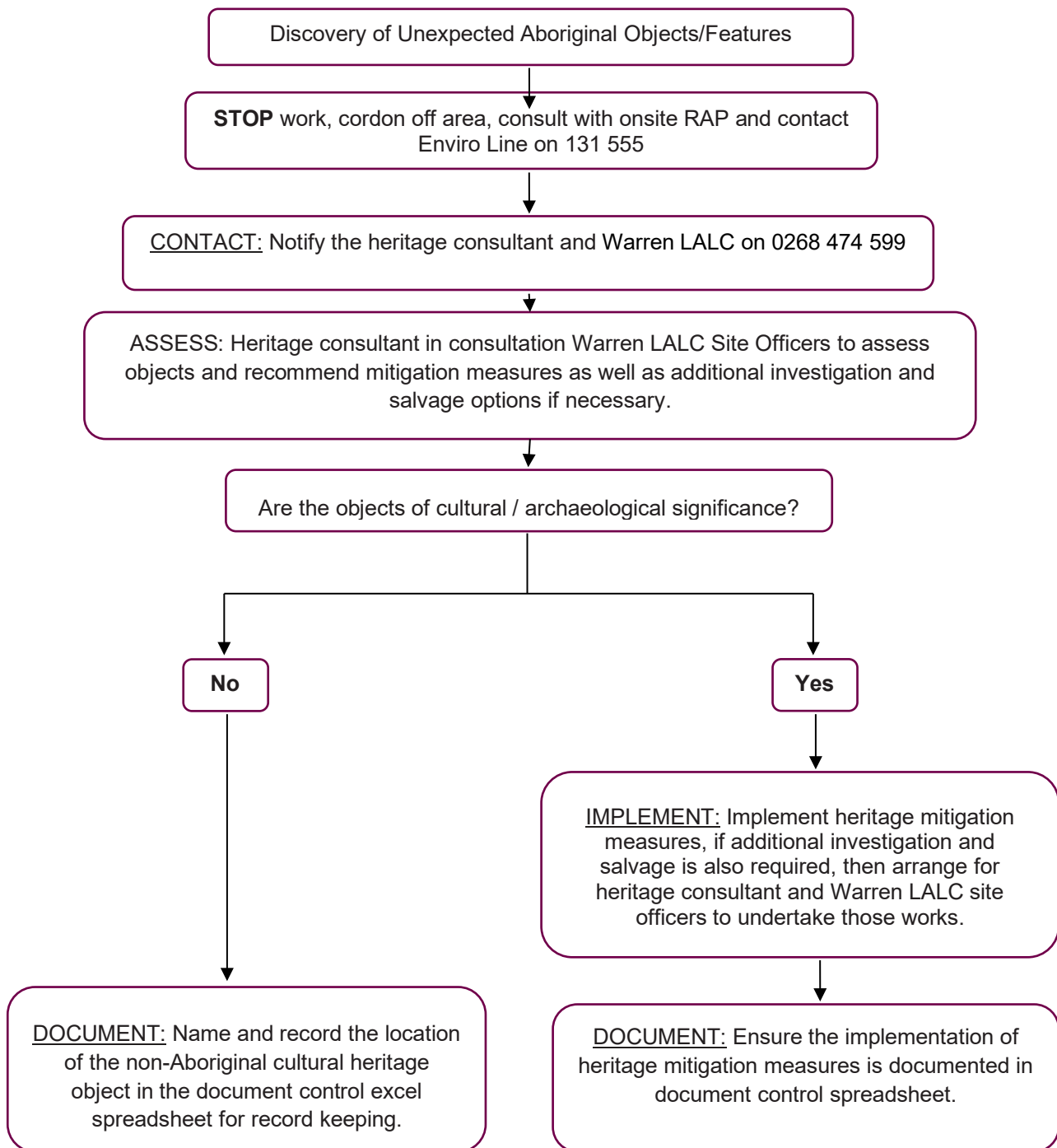
Report generated by AHIMS Web Service on 02/08/2021 for Bengi Selvi-Lamb for the following area at Lat, Long From : -31.85, 147.65 - Lat, Long To : -31.78, 147.77. Number of Aboriginal sites and Aboriginal objects found is 6

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

Appendix C

Unexpected Finds Procedures

UNEXPECTED FINDS PROCEDURE FOR ABORIGINAL OBJECTS ENCOUNTERED DURING SITE WORKS



UNEXPECTED FINDS PROCEDURE FOR DISCOVERY OF HUMAN SKELETAL REMAINS

Human skeletal remains are of the highest importance to Aboriginal peoples and all care, caution, respect and dignity will be utilised by all parties should such remains be discovered.

