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Author(s) Name	Amy Ziesing and Kirsten Bradley
Author(s)' Organisation Name (if applicable)	NGH Pty Ltd
Author(s) contact details	Email: kirsten.b@nghenvironmental.com.au Phone: 02 6153 6320
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Report prepared for	<p>Company Name: Jindera Solar Pty Ltd</p> <p>Contact Person: Symon Grasby</p> <p>Address: North Point Tower Level 17, 100 Miller Street, North Sydney NSW 2060</p> <p>Email: sg@gscapital.uk</p> <p>Phone: 0428 878 307</p>
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Addendum Aboriginal Cultural Heritage Assessment

JINDERA SOLAR FARM

MARCH 2020



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NGH Environmental Pty Ltd (ACN: 124 444 622. ABN: 31 124 444 622).

www.nghenvironmental.com.au

e: ngh@nghenvironmental.com.au

Sydney Region
18/21 mary st
surry hills nsw 2010 (t 02 8202 8333)
Newcastle - Hunter and North Coast
7/11 union st
newcastle west nsw 2302 (t 02 4929 2301)

Canberra - NSW SE & ACT
8/27 yallourn st (po box 62)
fyshwick act 2609 (t 02 6280 5053)
Wagga Wagga - Riverina and Western NSW
35 kincaid st (po box 5464)
wagga wagga nsw 2650 (t 02 6971 9696)

Bega - ACT and South East NSW
suite 1, 216 carp st (po box 470)
bega nsw 2550 (t 02 6492 8333)
Brisbane
level 5, 320 adelaide st
brisbane qld 4000 (t 07 3511 0238)

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EXECUTIVE SUMMARY

INTRODUCTION

NGH Environmental (NGH) has been contracted by Jindera Solar Pty Ltd (Jindera Solar) to complete an Aboriginal Cultural Heritage Assessment (ACHA) to investigate and examine the presence, extent and nature of any Aboriginal heritage sites within the scope of the proposed Jindera Solar Farm development. Subsequent to the finalisation of the Jindera Solar Farm ACHA it had been noted that additional works may be required in the TransGrid Jindera substation (Lot 1 DP588720) and at two access points into the solar farm project area (one off Urana Road and one off Walla Walla-Jindera Road) which are outside the previous heritage assessment area. These three areas are collectively referred to as the 'Additional Area' for the purposes of this addendum ACHA assessment.

It is understood that development associated with the possible works required at the TransGrid Jindera substation and two access points into the solar farm would involve ground disturbance that has the potential to impact on Aboriginal heritage sites and objects which are protected under the NSW *National Parks and Wildlife Act 1974* (NPW Act).

This addendum report documents the ACHA undertaken for the additional 22 hectares (ha) for the substation (Lot 1 DP588720) and two access point into the solar farm, to investigate the presence of any Aboriginal sites, assess impacts to cultural heritage values, and provide management strategies to mitigate any potential impacts within the Additional Area. This addendum report is intended to be read in conjunction with the original Jindera Solar Farm ACHA (NGH Environmental 2019) as the background analysis, predictive modelling and general discussion detailed therein continues to be relevant to the analysis undertaken in this addendum and it is therefore not repeated.

ABORIGINAL CONSULTATION

The consultation with Aboriginal stakeholders has been undertaken in accordance with clause 60 of the *National Parks and Wildlife Regulation 2019* following the consultation steps outlined in the ACHCRP guide. All consultation undertaken for the original Jindera Solar Farm ACHAR is clearly outlined and documented in the original report. Consultation for the Additional Area has been a continuation of this process.

The full list of consultation steps, including those groups and individuals that were contacted and a consultation log is provided in Appendix A.

ARCHAEOLOGICAL CONTEXT

An AHIMS search for the original Jindera Solar Farm footprint was undertaken on 8 November 2018 as detailed in the original Jindera ACHAR. Given that the initial AHIMS search was conducted over 12 months ago a new search of the AHIMS database was conducted for this addendum report. The new AHIMS search was undertaken on 20 January 2020 and the Client Service Number was: 478114. A total of 87 registered sites were identified. None of the AHIMS sites were within or directly adjacent to the Additional Areas being assessed in this addendum report. However, given that Aboriginal people have lived in the region for tens of thousands of years, there is potential for archaeological evidence to occur throughout the Additional Area, this is most likely to be in the form of stone artefacts or as scarred trees.

SURVEY RESULTS

Survey transects were undertaken on foot which traversed the entire Additional Area; however, the proposed impacts being limited to a small portion of the surveyed area. Visibility was variable across the Additional Areas at the time of survey which was undertaken with a representative from the Aboriginal community. The substation lot contained low to moderate (10-60%) ground surface visibility, while the two road access points contained nil to low (0-10%) visibility. While the survey was impeded by poor visibility across the majority of the Additional Area a number of exposures were present that were inspected.

No additional Aboriginal cultural heritage sites or areas of archaeological sensitivity were identified across the Additional Area.

POTENTIAL IMPACTS

As no items of Aboriginal heritage were identified during the visual inspection and no undisturbed landforms of archaeological sensitivity were located, it is concluded that the proposed works within the Additional Area for the Jindera Solar Farm will not impact upon heritage items. The assessment of harm and impact to Aboriginal heritage values for the Additional Area is nil. Consequently, there are no mitigation methods proposed for the Additional Area beyond those noted in the original ACHA.

RECOMMENDATIONS

It is recommended that:

1. The Additional Area for the Jindera Solar Farm development footprint as detailed in this addendum report has negligible potential to impact Aboriginal objects.
2. The Additional Area for the Jindera Solar Farm development footprint should now be able to proceed without any additional Aboriginal archaeological investigation.
3. Jindera Solar Pty Ltd should prepare a Cultural Heritage Management Plan (CHMP) which includes an unexpected finds procedure. Preparation of the CHMP should be undertaken in consultation with the registered Aboriginal parties and be incorporated into the overall management plan for the solar farm.
4. In the unlikely event that human remains are discovered during the construction, all work must cease in the immediate vicinity. DPIE and the NSW police should be notified. Further assessment would be undertaken to determine if the remains were Aboriginal or non-Aboriginal.
5. The option to salvage and retain artefacts should be made available to RAPs on the provision of a care agreement for the transfer of Aboriginal objects sought under Section 85A of the *National Parks and Wildlife Act 1974*.
6. Further archaeological assessment will be required if the proposal activity extends beyond the Additional Area assessed in this addendum report and the Project area detailed in the original Jindera Solar Farm ACHA. This would include consultation with the registered Aboriginal parties and may include further field survey.
7. Jindera Solar Pty Ltd are reminded that it is an offence under the *NSW National Parks and Wildlife Act 1974* to disturb, damage or destroy an Aboriginal object without the appropriate approvals.

1 INTRODUCTION

NGH Environmental (NGH) has been contracted by Jindera Solar Pty Ltd (Jindera Solar) to complete an Aboriginal Cultural Heritage Assessment (ACHA) to investigate and examine the presence, extent and nature of any Aboriginal heritage sites within the scope of the proposed Jindera Solar Farm development located approximately 5.5 km north of the township of Jindera, New South Wales (NSW), as part of an Environmental Impact Assessment (EIS) (see Figure 1-1). A draft of the Jindera Solar Farm Aboriginal Cultural Heritage Assessment Report (ACHAR) was provided to the Registered Aboriginal Parties (RAPs) in April 2019 for review and comment before being finalised and submitted in support of a State Significant Development (SSD) application.

Subsequent to the finalisation of the Jindera Solar Farm ACHA it had been noted that additional works may be required in the TransGrid Jindera substation (Lot 1 DP588720) and at two access points into the solar farm project area (one off Urana Road and one off Walla Walla-Jindera Road) which are outside the previous heritage assessment area (see

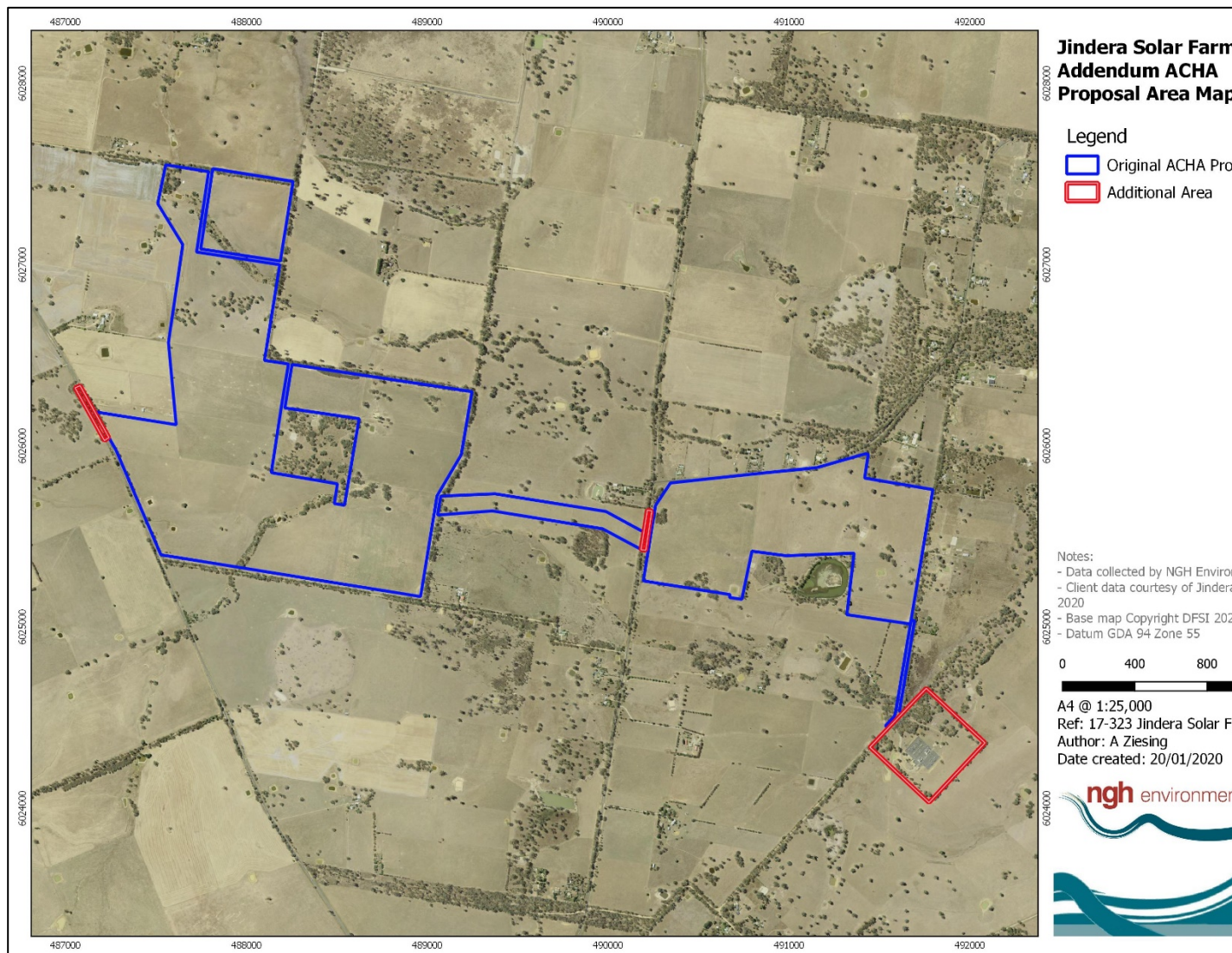


Figure 1-2). These three areas are collectively referred to as the 'Additional Area' for the purposes of this addendum ACHA assessment.

While the exact works in the Additional Area is yet to be determined the works will likely require ground disturbance to allow access to the solar farm site and/or substation. The substation works may also include the construction of additional infrastructure and transmission connection to the substation. It is understood that development associated with the possible works required at the TransGrid Jindera substation and two access points into the solar farm would involve ground disturbance that has the potential to impact on Aboriginal heritage sites and objects which are protected under the NSW *National Parks and Wildlife Act 1974* (NPW Act).

This addendum report documents the ACHA undertaken for the additional 22 hectares (ha) for the substation (Lot 1 DP588720) and two access point into the solar farm, to investigate the presence of any Aboriginal sites, assess impacts to cultural heritage values, and provide management strategies to mitigate any potential impacts within the Additional Area. This addendum report is intended to be read in conjunction with the original Jindera Solar Farm ACHA (NGH Environmental 2019) as the background analysis, predictive modelling and general discussion detailed therein continues to be relevant to the analysis undertaken in this addendum and it is therefore not repeated.

It is intended that this addendum be submitted to the Department of Planning, Industry and Environment (DPIE) for review as part of a Response to Submission report which noted that the TransGrid Jindera substation had not been previously assessed for impacts to Aboriginal heritage objects.

Continued Aboriginal consultation, updated AHIMS searches, survey results, coverage and impact assessment are detailed in this addendum to inform recommendation and mitigation strategies to minimise impacts within the Additional Area.

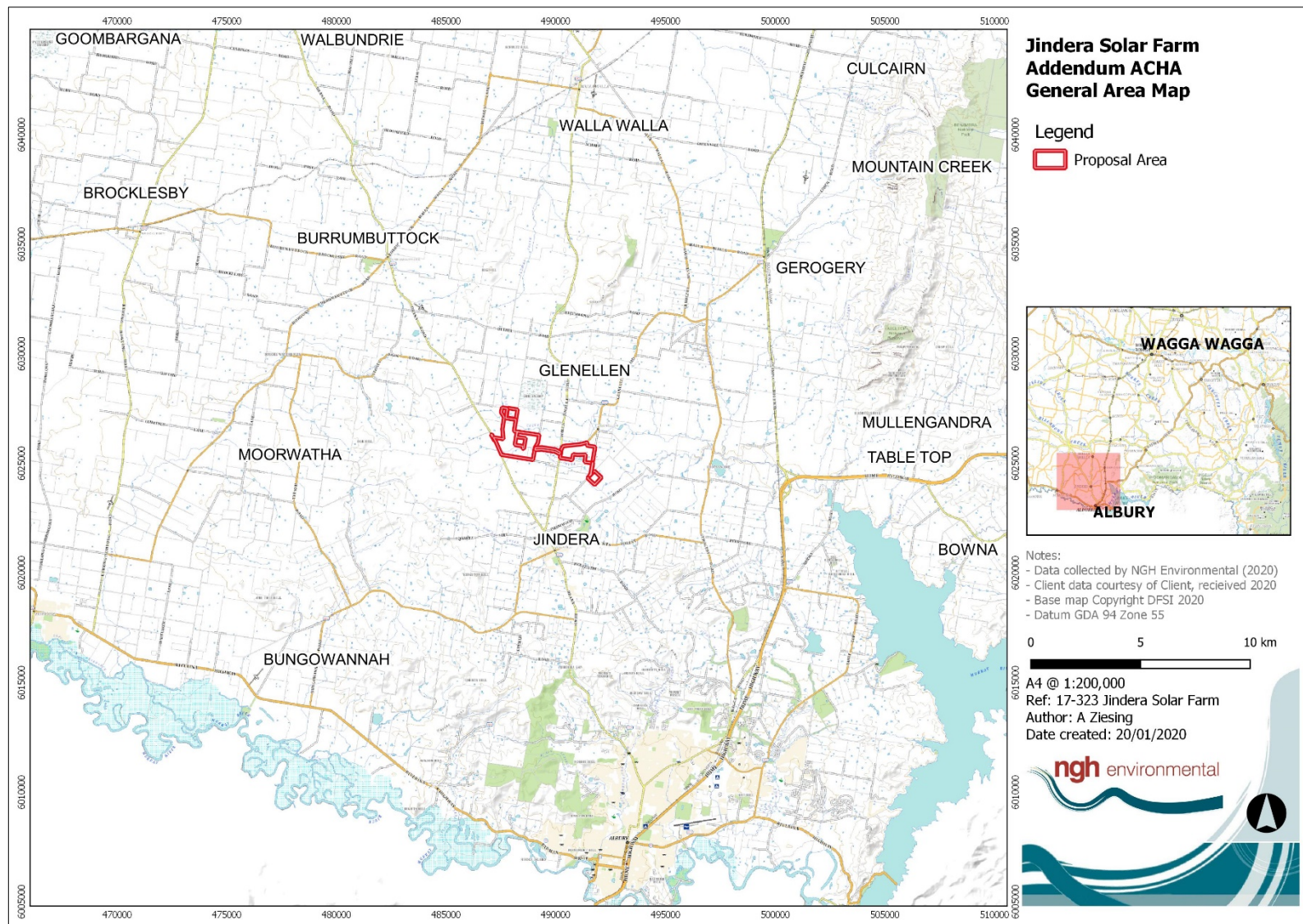


Figure 1-1. General location of the proposed Jindera Solar Farm and Additional Area.

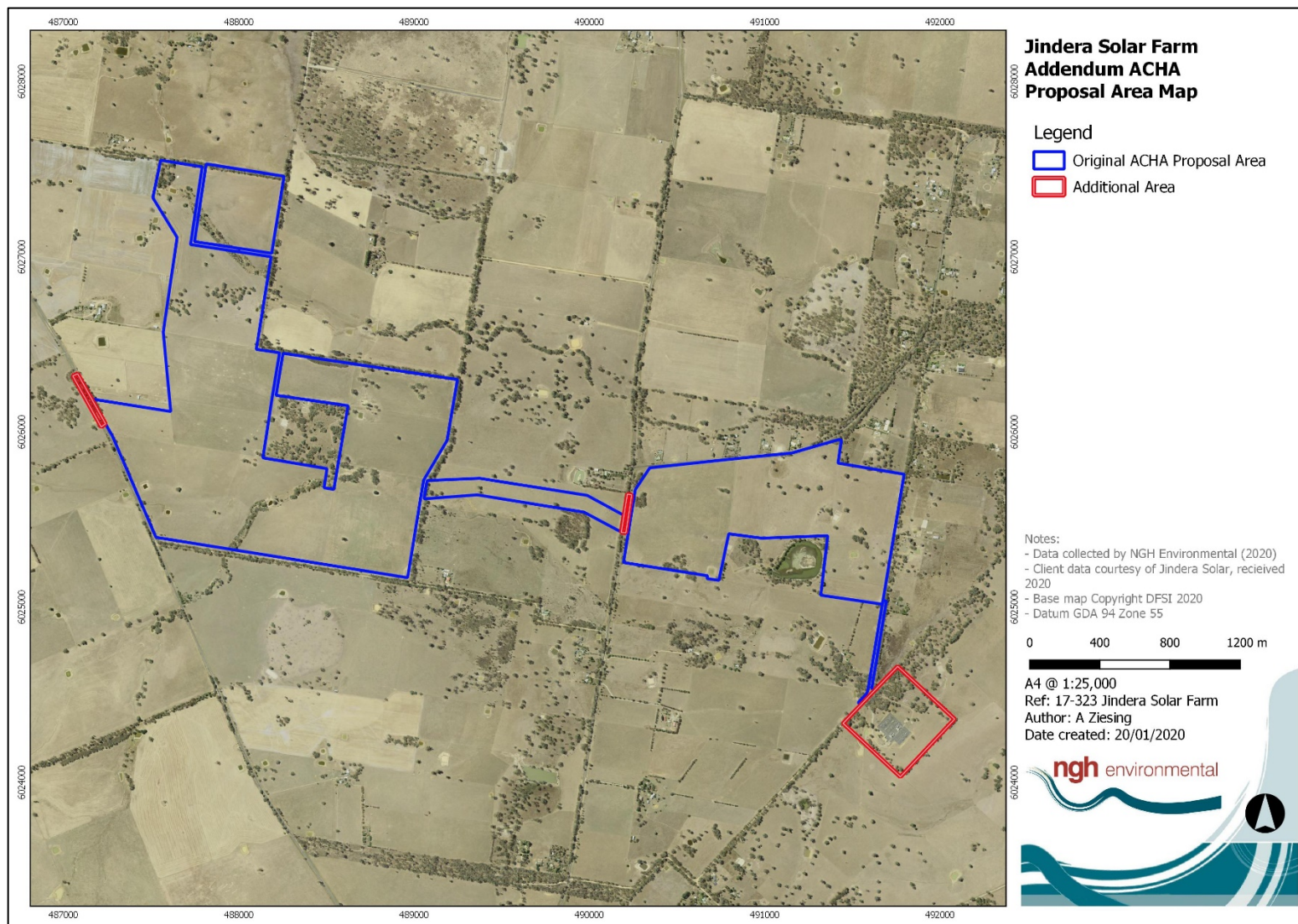


Figure 1-2. Perimeter comparison showing the proposal area for the original ACHA survey and the Additional Area assessed in this report.

1.1 PROPOSED ADDITIONAL AREA

While the exact works in the Additional Area is yet to be determined the works will likely require ground disturbance to allow access to the solar farm site and/or substation. Collectively, the three additional survey areas referred to as the Additional Area in this report encompass approximately 22 ha.

The proposed works in the TransGrid Jindera substation will remain within Lot 1 DP588720. The substation works may include the construction of additional infrastructure and transmission connection to the substation.

The two access points into the solar farm project area, off Urana Road and off Walla Walla-Jindera Road, will remain entirely within the road reserves of the two roads. While the exact works are currently yet to be determined they will likely need to comply with the Austroads Guide to Road Design to the satisfaction of the relevant roads authority to ensure safe access and exit to the solar farm, including provisions for required intersection upgrades.

The proposed infrastructure footprint is shown in Figure 1-2 above.

1.2 PROJECT PERSONNEL

The addendum ACHA report was completed by archaeologists Amy Ziesing and Kirsten Bradley of NGH, including research, Aboriginal community consultation and report preparation. Amy Ziesing undertook the fieldwork component of this addendum and Kirsten Bradley reviewed the report.

Consultation with the Aboriginal community was continuous from the initial project. This approach was in line with previous advice provided by DPIE (formally OEH).

The full list of consultation steps, including those groups and individuals that were contacted and a consultation log has been provided in Appendix A which also includes a detailed list of consultation step for the original ACHA and the current addendum report.

This project has two Aboriginal groups recorded as registering their interest in the Jindera Solar Farm project.

The groups are:

- The Albury and District Local Aboriginal Land Council (Albury LALC); and
- Bundyi Aboriginal Cultural Knowledge (BAC)- Mark Saddler.

The fieldwork for the Additional Area was organised and the two registered parties who had both participated in the previous fieldwork for the project were again asked to participate in the fieldwork. However, due to other commitments Mark Saddler was unable to participate in the survey conducted on the 21st of January 2020 for the Additional Area.

The Aboriginal community representative who participated in the Additional Area survey fieldwork on the 21st of January 2020 was Andom Rendell who represented the Albury LALC.

Further details and an outline of the consultation process is provided in Section 2.

1.3 REPORT FORMAT

For the purposes of this addendum, we have prepared the report in line with the following:

- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (OEH 2011);
- *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales* (OEH 2010a), and
- *Aboriginal cultural heritage consultation requirements for proponents 2010* (ACHCRP) (OEH 2010b) produced by the NSW OEH.

The purpose of this addendum ACHA report is therefore to provide an assessment of the Aboriginal cultural values associated with the Additional Area and to assess the cultural and scientific significance of any identified Aboriginal heritage sites in the context of the solar farm assessment as a whole. This conforms with the intention of the project SEARs and the request of DPIE following review of the original Jindera ACHA and EIS.

Therefore, the objectives of the assessment were to:

- Continue Aboriginal consultation as specified in clause 60 of the *National Parks and Wildlife Regulation 2019*, using the consultation process outlined in the ACHCRP and in alignment with the Guidelines for *Aboriginal cultural heritage consultation requirements for proponents 2010*.
- Undertake an assessment of the archaeological and cultural values of the Additional Area and any Aboriginal sites therein;
- Assess the cultural and scientific significance of any archaeological material, and
- Provide management recommendations for any objects found.

2 ABORIGINAL CONSULTATION

The consultation with Aboriginal stakeholders has been undertaken in accordance with clause 60 of the *National Parks and Wildlife Regulation 2019* following the consultation steps outlined in the ACHCRP guide. All consultation undertaken for the original Jindera Solar Farm ACHAR is clearly outlined and documented in the original report (NGH 2019). Consultation about the Additional Area has been a continuation of this process in accordance with the advice previously provided by DPIE (formally OEH).

The full list of consultation steps, including those groups and individuals that were contacted and a consultation log is provided in Appendix A. A summary of actions carried out for the current assessment is detailed below.

The RAPs were informed of the updated design changes encompassing the Additional Area. The methodology for the proposed survey of the Additional Area was noted to be in line with that of the main Solar Farm assessment and would include survey with selected RAPs. Both RAPs were then asked to participate in the additional survey. The fieldwork was carried out over one day, 21 January 2020, by one NGH archaeologist, Amy Ziesing and one representative from the Albury LALC, Andom Rendell. While two representatives from the Albury LALC were invited to participate in the survey of the Additional Area no other Albury LALC representatives were available to attend due to various circumstances. Mark Saddler was also unavailable to participate in the additional survey due to prior commitments.

No concerns about the proposed works in the Additional Area were identified by the Aboriginal representative Andom Rendell who participated in the survey.

In February 2020 a draft version of this *Addendum Aboriginal Cultural Heritage Assessment Report* for the Jindera Solar Farm (this document) was forwarded to each registered Aboriginal party inviting comment on the results, the significance assessment and the recommendations. A minimum of 28 days was allowed for responses to the document.

2.1 ABORIGINAL COMMUNITY FEEDBACK

Community consultation occurred throughout the project. The draft addendum report was provided to each of the Registered Aboriginal Parties (RAPs) and feedback was sought on the recommendations, the assessment and any other issues that may have been important.

No feedback was received on the draft addendum ACHAR and the report was finalised in March 2020.

3 REVIEW OF ABORIGINAL ARCHAEOLOGICAL CONTEXT

3.1.1 AHIMS Search

A search of relevant heritage registers for Aboriginal sites and places provides an indication of the presence of previously recorded sites. A register search is not conclusive however, as it requires that an area has been inspected and any sites are provided to the relevant body to add to the register. However, as a starting point, the search will indicate whether any sites are known within or adjacent to the investigation area. The Aboriginal Heritage Information Management System (AHIMS) provides a database of previously recorded Aboriginal heritage sites in NSW. A search provides basic information about any sites previously identified within a search area.

An extensive AHIMS search was undertaken on 8 November 2018 as detailed in the original Jindera ACHAR which identified a number of previously identified Aboriginal heritage sites in the general Jindera and Glenellen areas (see original ACHAR), however none of the sites were located within the Jindera Solar Farm project area. During the field assessment of the Jindera Solar Farm project area, as assessed in the original ACHA, there were a number of stone artefacts sites recorded across the project area. A site card for each of the sites was submitted to AHIMS for registration. The Aboriginal community representatives also identified three cultural trees.

As the results of an AHIMS search are only able to be relied upon for 12 months a new AHIMS search was conducted for the Jindera Solar Farm and Additional Area on the 20th January 2020. A total of 87 registered sites and no declared Aboriginal Places were identified within the approximately 20 km search area, which was centred on the project area. The new AHIMS search (Client Service Number: 478114) used the same parameters as the original ACHA. The search area extended from Lat, Long (-35.9968, 146.7418) to Lat, Long (-35.8302, 147.0059) including a 200 m buffer.

The sites included the 15 isolated finds and 10 artefact scatters identified during the original ACHA survey and subsurface testing program for the Jindera Solar Farm. Three additional artefact sites (AHIMS# 55-6-0111, 55-6-0112 and 55-6-0113) are recorded 400-600 m southwest of the TransGrid Jindera substation however none of these sites will be impacted by the proposed works for the Jindera Solar Farm or Additional Area. Details about these sites and their context within the archaeological modelling of the general area can be found in the original Jindera ACHAR.

Figures 2-1 shows the locations of the AHIMS sites in relation to the assessment area and Table 2-1 shows a breakdown of the site types from the new AHIMS search.

Table 3-1 Breakdown of previously recorded Aboriginal sites in the region.

Site Type	Number
Artefact (1 or more)	60
Modified Tree (Carved or Scarred)	24
Habitation Structure	1
Artefact; Potential Archaeological Deposit	1
Artefact; Modified Tree (Carved or Scarred)	1
TOTAL	87

Out of the 87 sites identified, 27 of these were recorded during the original Jindera Solar Farm ACHA (31%). The remaining 60 registered sites have all been identified by proposed development and required archaeological investigation across the wider Greater Hume Shire Local Government Area (LGA).

3.2 PREVIOUS ARCHAEOLOGICAL STUDIES FOR THE JINDERA SOLAR FARM

In 2019 NGH undertook the survey and subsurface testing for the proposed Jindera Solar Farm, located approximately 5.5 kilometres north of the township of Jindera, NSW. The Aboriginal Cultural Heritage Assessment Report for the Jindera Solar Farm was undertaken to investigate the presence of any Aboriginal sites and to assess the impacts and management strategies that may mitigate any impact for the proposed development and to address the Secretary of the DPE Environmental Assessment Requirements (SEARs) relating to Aboriginal heritage for the project which were as follows:

Include an assessment of the likely Aboriginal and historic heritage (cultural and archaeological) impacts of the development, including consultation with the local Aboriginal community in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents (Jindera Solar Farm 14/09/2018).

The proposed Jindera Solar Farm area comprises primarily of cleared and cropped paddocks that had been subject to farming activities. In the 2019 ACHA works, survey transects were undertaken on foot and traversed the entire proposal area. Visibility within the proposal area was variable however; as a whole it generally had visibility averaging 10% overall. The effective visibility in the paddocks ranged from 95% in exposures and in recently harvested paddocks to less than 5% in areas with a dense low grass cover. Between the survey participants, over the course of the field survey, approximately, 48 km of transects were walked across the proposal area.

Despite the variable visibility encountered during the 2019 survey, seven artefact scatters and 15 isolated finds were recorded. Four areas of potential archaeological deposit were also identified that required subsurface testing. The Aboriginal community representatives also identified three cultural trees.

The subsurface excavation of the four areas considered to have potential for *in situ* subsurface deposits was undertaken following the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*. A total of 52 test pits were excavated across four areas within the proposal area during the subsurface testing program with stone artefacts recovered from 25 pits. The artefacts densities for each of the pits excavated ranged from nil to 12. A total of 80 subsurface artefacts were recovered during the testing program.

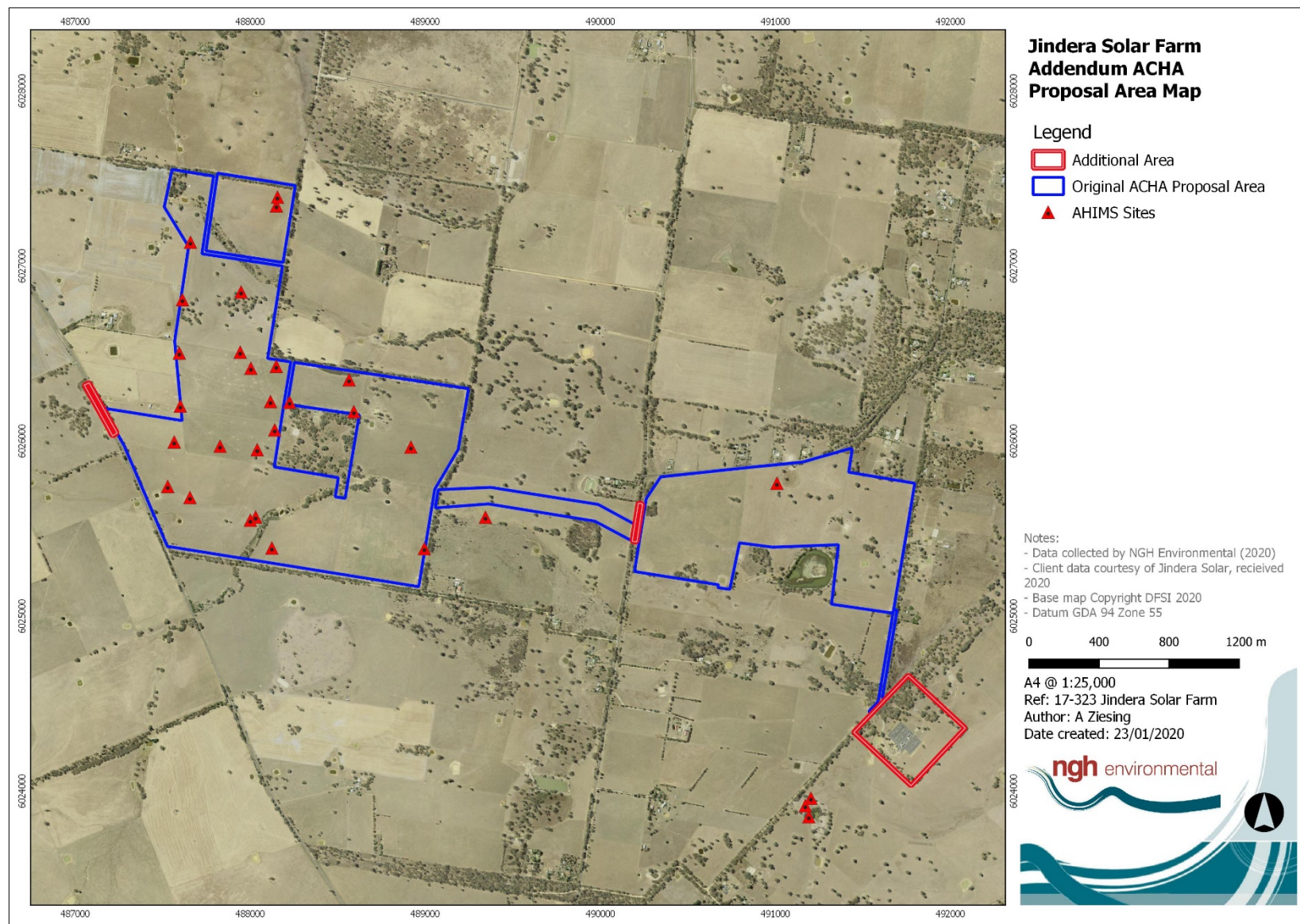


Figure 3-1 AHIMS Sites identified in the updated search in proximity to the Additional Area.

All the subsurface artefacts recovered in the 2019 ACHA work were manufactured from quartz which is a common lithology for the Jindera area. The density of artefacts recovered from the testing program provide an indication of the variability of artefact numbers across the landforms investigated. Observing the pattern of artefact distribution and the gaps across the testing program the proposal area is characterised by discrete low density clusters of artefacts interspersed with areas of very low or no artefactual material. The subsurface material recovered has been recorded as three additional subsurface artefact scatters.

The results of this survey and subsurface testing program support the modelling for the region that there are sites and artefacts present throughout the landscape, with high density sites generally located in elevated areas adjacent to waterways. The density of the surface and subsurface assemblage across the proposal area indicates that small groups were occupying short-term camps for short periods of time across the proposal area with a focus along water sources and elevated areas in close proximity to a water source. No direct evidence of longer-term base camps was identified within the proposal area.

Table 2-2 below provides a summary of site types noted to be impacted or avoided by the initially proposed Jindera Solar Farm development footprint. The three cultural trees (Jindera 488918, Jindera 488995 and Jindera SF Cultural Site 1) will not be impacted by the proposed development footprint however, fencing and vegetation screening is proposed to occur in close proximity to these sites.

A number of mitigation measures were recommended in the Jindera Solar Farm ACHA. These recommendations included that further archaeological assessment would be required if the proposal activity extends beyond the Heritage study area assessed in the Jindera Solar Farm ACHA. The current assessment is being undertaken in line with the recommendations of the original Jindera Solar Farm ACHA.

Table 3-2 Summary of site types noted with the initially proposed Jindera Solar Farm development footprint.

Site Type	Type of Harm	Degree of Harm	Consequence of harm	No. of Sites	% of site type
Isolated Finds	Direct	Complete	Total loss of value	14	93.3
	Nil	Nil	Not Applicable	1	6.7
Artefact Scatters	Direct	Complete	Total loss of value	10	100
Cultural site	Nil	Nil	Not Applicable	3	100

3.2.1 Archaeological Site Location Model

Based on the results of the previous archaeological investigations for the Jindera Solar Farm it is possible to provide the following model of site location in relation to the Additional Area of development for the Jindera Solar Farm.

Stone artefact scatters – representing camp sites. These can occur across the landscape, usually in association with some form of resource or landscape unit such as spur and ridge crests or water sources such as creeks, billabongs and swamps. Sand bodies, topographically elevated areas or changes in soils with associated changes in vegetation can also be a desirable location for occupation particularly when they are associated with resource changes. Artefact scatters, if they do occur, are more likely to be characterised as low-density scatters across broad elevated landforms in close proximity to water.

Scarred Trees – these require the presence of mature trees and are likely to be concentrated along major waterways and around swamps areas. There are patches of remnant vegetation within the TransGrid Jindera substation area, therefore, it is possible that this feature could occur.

Isolated Artefacts – are present across the entire landscape, in varying densities. As Aboriginal people traversed the entire landscape for thousands of years, such finds can occur anywhere and indicate the presence of isolated activity, dropped or discarded artefacts from hunting or gathering expeditions or the ephemeral presence of short-term camps.

Burials – are generally found in elevated sandy contexts or in association with rivers and major creeks. No such features exist with the proposal area and therefore such sites are very unlikely to occur.

Given that Aboriginal people have lived in the region for tens of thousands of years, there is potential for archaeological evidence to occur throughout the Additional Area, this is most likely to be in the form of stone artefacts or as scarred trees.

4 ARCHAEOLOGICAL INVESTIGATION RESULTS OF ADDITIONAL AREA

4.1 SURVEY STRATEGY

The intention of the survey was to cover as much ground surface as possible within the Additional Area given the areas had not been assessed in the original survey conducted for the Jindera Solar Farm. Pedestrian transect survey was undertaken by an NGH archaeologist and a representative for the Aboriginal community to achieve maximum coverage of all the Additional Area locations.

Transects were spaced evenly, with the two survey team members spread apart at 30 m intervals within the TransGrid Jindera substation walking in parallel lines. The team were able to walk in parallel lines, at a similar pace, allowing for maximum survey coverage and maximum opportunity to identify any heritage features. At the end of the transect, the team would reposition along a new transect line at the same spacing and walk back parallel to the previous transect.

Transects within the road reserve for the two access points into the solar farm project area, one off Urana Road and one off Walla Walla-Jindera Road, were visually inspected with the two survey team members spread apart at 30 m intervals walking in parallel lines. The team were able to walk in parallel lines, at a similar pace, allowing for maximum survey coverage and maximum opportunity to identify any heritage features within the road reserve areas.

Any mature trees with the Additional Area were also inspected for any evidence of Aboriginal scarring (Long 2005). NGH believes that the survey strategy was comprehensive and the most effective way to identify the presence of Aboriginal heritage sites within the Additional Area. Discussions were held in the field between the archaeologist and the Aboriginal community representative present to ensure all were satisfied and agreed with the spacing and survey methodology.

The Additional Area within the existing Jindera substation lot was noted to have been subjected to considerable disturbance from the previous construction of the substation and a dam. The landforms within the substation lot included an area of flat grazed land that had been previously disturbed and a gently sloping elevated area in the south eastern portion of the substation lot. The road reserves of Urana Road and Walla

Walla-Jindera Road was also noted to be highly disturbed by the construction and maintenance of the existing road.

The survey of the Additional Area was undertaken by the team on the 21 January 2020. Notes were made about visibility and photos were taken of the general landscape and areas of previous disturbance. Any possible Aboriginal features were inspected and assessed.

4.2 SURVEY COVERAGE

Survey transects were undertaken on foot and traversed the entire Additional Area, despite the proposed impacts being likely to cover only a small portion of the substation lot. Soils within the Additional Area consisted of a brown silty loam. The substation lot contained low to moderate (10-60%) ground surface visibility, while the two road access points contained nil to low (0-10%) visibility. While the survey was impeded by poor visibility across the majority of the Additional Area a number of exposures were present that were inspected. The effective visibility in the area ranged from 90% in exposures to less than 5% in areas with a dense grass cover.

Table 3-1 below shows the calculations of effective survey coverage and plates 1-6 show examples of the landscape and visibility encountered within the Additional Area.

Between the survey participants, over the course of the field survey, approximately, 6.2 km of transect was walked across the Additional Area. Allowing for an effective view width of 5 m each person, this equates to a surface area examined of approximately 1.24 ha. With average visibility of 30%, the effective coverage for the survey was 0.24 ha or 3.7% of the Additional Area. It is considered that the survey of the Jindera Solar Farm Additional Area had sufficient and effective survey coverage. The results of the survey are considered a true reflection of the nature of the Aboriginal archaeological record present within the Additional Area.

4.3 SURVEY RESULTS

While the survey was impeded by poor visibility across the majority of the Additional Area a number of exposures were present that were inspected. However, no surface Aboriginal objects or culturally modified trees were recorded. No undisturbed areas of archaeological sensitivity were also identified.

Discussions were held in the field with the Aboriginal representative present to assess the potential for subsurface deposits across the Additional Area. Based on the land use history, an appraisal of the landscape, soil, level of disturbance and the results from the field survey it was concluded that there was negligible potential for the presence of intact subsurface deposits with high densities of objects or cultural material within the Additional Area. Consequently, it was determined that subsurface testing was not warranted in this instance.

4.4 DISCUSSION

The results of previous archaeological surveys in the Jindera region show that there are sites and artefacts present across the landscape. The predictions based on the modelling for the Additional Area was that stone artefacts and scarred trees were the most likely manifestation of Aboriginal occupation of the area. The lack of sites identified within the Additional Area is not unsurprising given the previous disturbance of the areas for the construction of the substation and roads and poor surface visibility.

The results of this additional survey do not negate the need for further survey to occur in any other areas of proposed activity for the Jindera Solar Farm that extend beyond the areas assessed in this report and the original Jindera Solar Farm ACHA.



Plate 1 View north west towards existing substation from the south eastern boundary of the substation lot.



Plate 2 View of the north eastern boundary of the substation



Plate 3 View west of the existing substation and previous substation ruins



Plate 4 View south east of the vegetated area in the northern corner of the substation lot.



Plate 5 View north west of the access point off Urana Road.



Plate 6 View north west of the access point off Walla Walla-Jindera Road.

Table 4-1. Transect Information and effective survey coverage

Survey Section	Number of Survey Transects	Exposure type	Proposal Area ha	Surveyed area (length m x width m)	Survey Area m ²	Visibility	Effective coverage (area x visibility) m ²	Proposal Area surveyed (ha)	Percentage of Proposal area effectively surveyed	Archaeological result
Substation Lot	6	Bare ground, grazed areas vehicle tracks, stock tracks and infrastructure	20	450 x 10	4,500	40% average	1,800	0.18	0.9	Nil
Disturbed Road Reserves	4	Bare ground, grazed areas vehicle tracks, stock tracks and infrastructure	2	550 x 10	5,500	10% average	550	0.055	2.75	Nil
TOTAL	10		22		10,000		2,350	0.235	3.7	Nil

5 CULTURAL HERITAGE VALUES AND STATEMENT OF SIGNIFICANCE

The assessment of the significance of Aboriginal archaeological sites is currently undertaken largely with reference to criteria outlined in the ICOMOS Burra Charter (Marquis-Kyle & Walker 1994). Criteria used for assessment are:

- *Social or Cultural Value*: In the context of an Aboriginal heritage assessment, this value refers to the significance placed on a site or place by the local Aboriginal community – either in a contemporary or traditional setting.
- *Scientific Value*: Scientific value is the term employed to describe the potential of a site or place to answer research questions. In making an assessment of Scientific Value issues such as representativeness, rarity and integrity are addressed. All archaeological places possess a degree of scientific value in that they contribute to understanding the distribution of evidence of past activities of people in the landscape. In the case of flaked stone artefact scatters, larger sites or those with more complex assemblages are more likely to be able to address questions about past economy and technology, giving them greater significance than smaller, less complex sites. Sites with stratified and potentially in situ sub-surface deposits, such as those found within rock shelters or depositional open environments, could address questions about the sequence and timing of past Aboriginal activity, and will be more significant than disturbed or deflated sites. Groups or complexes of sites that can be related to each other spatially or through time are generally of higher value than single sites.
- *Aesthetic Value*: Aesthetic values include those related to sensory perception and are not commonly identified as a principal value contributing to management priorities for Aboriginal archaeological sites, except for art sites.
- *Historic Value*: Historic value refers to a site or place's ability to contribute information on an important historic event, phase or person.
- *Other Values*: The Burra Charter makes allowance for the incorporation of other values into an assessment where such values are not covered by those listed above. Such values might include Educational Value.

All sites or places have some degree of value, but of course, some have more than others. In addition, where a site is deemed to be significant, it may be so on different levels or contexts ranging from local to regional to national, or in very rare cases, international. Further, sites may either be assessed individually, or where they occur in association with other sites the value of the complex should be considered.

Social or cultural value

While the true cultural and social value of Aboriginal sites can only be determined by local Aboriginal people, as a general concept, all sites hold cultural value to the local Aboriginal community.

No Aboriginal sites were identified during the survey for the Additional Area for the Jindera Solar Farm and no known cultural sites or places of value are located within or in close proximity to the Additional Area which have been identified during the consultation process for the project.

Scientific (archaeological) value.

Given that no Aboriginal sites were identified during the survey for the Additional Area there are no scientific values to evaluate for this area. While the absence of sites can be used to assist in the development of site modelling for the local landscape, the scientific value for further research is nil.

Aesthetic value.

Given that no sites were identified in the Additional Area there are no aesthetic values associated with archaeological sites per se.

Historic Value.

There are no known historic values associated with the Additional Area.

Other Values

There are no other known heritage values associated with the Additional Area.

6 PROPOSED ACTIVITY

6.1 HISTORY AND LANDUSE

It has been noted above that historically the Additional Area for has been impacted through land use practices, such as clearing and the construction of the existing road and substation infrastructure. Previous disturbance at the site has compromised the archaeological record and decreased the potential for *in situ* artefacts to be present. Despite these localised impacts, Aboriginal artefacts and cultural material remain across the broader Jindera Solar Farm area (see original ACHAR).

6.2 PROPOSED DEVELOPMENT ACTIVITY

While the exact works in the Additional Area is yet to be determined the works will require ground disturbance. The substation works may include the construction of additional infrastructure and transmission connection to the substation. The two access points works off Urana Road and Walla Walla-Jindera Road will remain within the road reserves and will likely need to comply with the Austroads Guide to Road Design to the satisfaction of the relevant roads' authority. The development activity will therefore involve disturbance of the ground during the construction of the solar farm and transmission line alignment. Once established however, there would be minimal ongoing disturbance of the ground surface.

6.3 ASSESSMENT OF HARM

As described in this report no Aboriginal archaeological sites were identified in the Additional Area for the Jindera Solar Farm. Therefore, the assessment of harm for the Additional Area is nil.

6.4 IMPACTS TO VALUES

The values potentially impacted by the development of the Additional Area of the Jindera Solar Farm are any social and cultural values attributed to the area by the local Aboriginal community.

As described in this report, no Aboriginal archaeological sites were located within the Additional Area and no cultural values within the project area have been identified by local Aboriginal community. Therefore, the impact to the Aboriginal Heritage values for the development of the Additional Area is nil.

No values have been identified that would be affected by the development of the Additional Area of the Jindera Solar Farm.

7 AVOIDING OR MITIGATING HARM

7.1 CONSIDERATION OF ESD PRINCIPLES

The consideration of the principles of Ecologically Sustainable Development (ESD) and the use of the precautionary principle was not required to be undertaken when assessing the harm to sites and the potential for mitigating impacts on Aboriginal heritage within the Additional Area of the Jindera Solar Farm given that no sites or cultural values were identified.

We therefore argue that the overall cumulative impact on the archaeological record for the region for the development of the Additional Area as assessed in this report is likely to be nil given that no sites or cultural values were identified.

7.2 CONSIDERATION OF HARM

As described in this report, no Aboriginal archaeological sites were located within the Additional Area of the Jindera Solar Farm and no cultural values within the project area have been identified by local Aboriginal community. Given the absence of Aboriginal archaeological sites and cultural values within the Additional Area of the Jindera Solar Farm no mitigation methods are required.

8 LEGISLATIVE CONTEXT

Aboriginal heritage is primarily protected under the NPW Act and was subsequently amended in 2019 with the introduction of the *National Parks and Wildlife Regulation 2019*. The aim of the NPW Act includes:

The conservation of objects, places or features (including biological diversity) of cultural value within the landscape, including but not limited to: places, objects and features of significance to Aboriginal people.

An Aboriginal object is defined as:

Any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with the occupation of that area by persons on non-Aboriginal extraction and includes Aboriginal remains.

Part 6 of the NPW Act concerns Aboriginal objects and places and various sections describe the offences, defences and requirements to harm an Aboriginal object or place. The main offences under section 86 of the NPW Act are:

- 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.
- For the purposes of this section, "circumstances of aggravation" are:
 - that the offence was committed in the course of carrying out a commercial activity, or
 - that the offence was the second or subsequent occasion on which the offender was convicted of an offence under this section.
- A person must not harm or desecrate an Aboriginal place.

Under section 87 of the NPW Act, there are specified defences to prosecution including authorisation through an Aboriginal Heritage Impact Permit (AHIP) or through exercising due diligence or compliance through the regulation.

Section 89A of the Act also requires that a person who is aware of an Aboriginal object, must notify the Director-General in a prescribed manner. In effect this section requires the completion of AHIMS site cards for all sites located during heritage surveys.

Section 90 of the NPW Act deal with the issuing of an AHIP, including that the permit may be subject to certain conditions.

The EP&A Act is legislation for the management of development in NSW. It sets up a planning structure that requires developers (individuals or companies) to consider the environmental impacts of new projects. Under this Act, cultural heritage is considered to be a part of the environment. This Act requires that Aboriginal cultural heritage and the possible impacts to Aboriginal heritage that development may have are formally considered in land-use planning and development approval processes.

Proposals classified as State Significant Development or State Significant Infrastructure under the EP&A Act have a different assessment regime. As part of this process, Section 90 harm provisions under the NPW Act are not required, that is, an AHIP is not required to impact Aboriginal objects. However, the Department of Planning and Environment is required to ensure that Aboriginal heritage is considered in the environmental impact assessment process. The Department of Planning and Environment will consult with other departments, including the Biodiversity and Conservation Division of DPIE prior to development consent being approved.

The Jindera Solar Farm proposal is a State Significant Development and will therefore be assessed via this pathway, which does not negate the need to carry out an appropriate level of Aboriginal heritage assessment or the need to conduct Aboriginal consultation in line with the requirements outlined by the *Aboriginal cultural heritage consultation requirements for proponents 2010* (OEH 2010b).

9 RECOMMENDATIONS

The recommendations are based on the following information and considerations:

- Results of the additional archaeological survey;
- Consideration of results from the original Jindera Solar Farm ACHAR;
- Results of consultation with the registered Aboriginal parties;
- Appraisal of the proposed development, and
- Legislative context for the development proposal.

It is recommended that:

1. The Additional Area for the Jindera Solar Farm development footprint as detailed in this addendum report has negligible potential to impact Aboriginal objects.

2. The Additional Area for the Jindera Solar Farm development footprint should now be able to proceed without any additional Aboriginal archaeological investigation.
3. Jindera Solar Pty Ltd should prepare a Cultural Heritage Management Plan (CHMP) which includes an unexpected finds procedure. Preparation of the CHMP should be undertaken in consultation with the registered Aboriginal parties and be incorporated into the overall management plan for the solar farm.
4. In the unlikely event that human remains are discovered during the construction, all work must cease in the immediate vicinity. DPIE and the NSW police should be notified. Further assessment would be undertaken to determine if the remains were Aboriginal or non-Aboriginal.
5. The option to salvage and retain artefacts should be made available to RAPs on the provision of a care agreement for the transfer of Aboriginal objects sought under Section 85A of the *National Parks and Wildlife Act 1974*.
6. Further archaeological assessment will be required if the proposal activity extends beyond the Additional Area assessed in this addendum report and the Project area are detailed in the original Jindera Solar Farm ACHA. This would include consultation with the registered Aboriginal parties and may include further field survey.
7. Jindera Solar Pty Ltd are reminded that it is an offence under the *NSW National Parks and Wildlife Act 1974* to disturb, damage or destroy an Aboriginal object without the appropriate approvals.

10 REFERENCES

NGH Environmental (2018), *Jindera Solar Farm Aboriginal Cultural Heritage Assessment Report*, report prepared for Jindera Solar Pty Ltd.

NGH Environmental (2019), *Jindera Solar Farm Environmental Impact Statement*, report prepared for Jindera Solar Farm Pty Ltd.

OEH 2010a, *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*.

OEH 2010b, *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

OEH 2011, *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW*.

APPENDIX A ABORIGINAL COMMUNITY CONSULTATION

Consultation Log of Jindera Solar project.

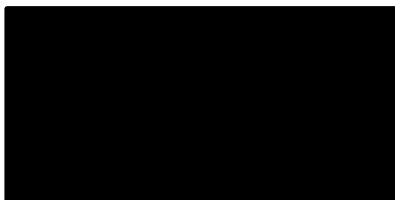
Organisation	Action	Date Sent	Reply Date	Replied by	Response
OEH	Letter Via Email	2/08/2018	10/08/2018	letter via email	list of additional stakeholders provided by OEH
NTScorp	Letter Via Email	2/08/2018			
National Native Title Tribunal					Search undertaken no Native Title determination
Office of Registrar Aboriginal Land Rights Act	Letter Via Email	2/08/2018			
Murray Local land services	Letter Via Email	2/08/2018			
Greater Hume Shire Council	Letter Via Email	2/08/2018	7/08/2018	Letter via email	
Albury and District Local Aboriginal Land Council	Letter Via Email	2/08/2018	21/08/2018	letter via email	The Albury & District LALC would like to register our interest to participate
Local Newspaper	Eastern Riverina Classifieds	8/08/2018			
OEH list of potential stakeholders					
Albury and District Local Aboriginal Land Council	already written to see above				
Wagga Wagga Local Aboriginal Land Council	Letter Via Email	13/08/2018			
Yalmambirra	Letter Via Email	13/08/2018			
Mungabareena Aboriginal Corporation	Letter Via Post	13/08/2018			
Denise McGrath	Letter Via Email	13/08/2018			
Leonie McIntosh	Letter Via Email	13/08/2018			
Nancy Rooke	Letter Via Post	13/08/2018			
Dan Clegg	Letter Via Email	13/08/2018			
Alice Williams	Letter Via Post	13/08/2018			

Organisation	Action	Date Sent	Reply Date	Replied by	Response
Bundyi Aboriginal Cultural Knowledge	Letter Via Email		13/08/2018	letter via email	I wish to express my interest in the Aboriginal Cultural Heritage Assessment (ACHA) for a proposed solar farm at Jindera, NSW.
Survey Methodology					
Albury and District Local Aboriginal Land Council	via email	21/09/2019			
Bundyi Aboriginal Cultural Knowledge	via email	21/09/2019			
Albury and District Local Aboriginal Land Council	follow up email reminder that comments due 19 oct	11/10/2018			
Bundyi Aboriginal Cultural Knowledge	follow up email reminder that comments due 19 oct	11/10/2018	11/10/2018	via email	no issues raised noted "All looks to be Ok at this stage"
Bundyi Aboriginal Cultural Knowledge	via email	17/10/2018			supplied rates and insurance details
Albury and District Local Aboriginal Land Council	phone call	22/10/2018			KB called Sam re rates, insurances and comment on methodology.
Albury and District Local Aboriginal Land Council	KB follow up reminder email re rates and insurances	24/10/2018	24/10/2018	via email	Sent through rates and insurances
OEH provided notification of registered parties	via email	2/11/2018	6/11/2018	via email	acknowledged email of RAPs
Testing Methodology					
Bundyi Aboriginal Cultural Knowledge	Testing methodology sent by email	19/12/2018			
Albury and District Local Aboriginal Land Council	Testing methodology sent by email	19/12/2018			

Organisation	Action	Date Sent	Reply Date	Replied by	Response
Additional Fieldwork for survey					
Bundyi Aboriginal Cultural Knowledge	email re additional survey now crop harvested	9/01/2019	10/01/2019	phone call	Mark confirm availability for 21 Jan additional survey
Albury and District Local Aboriginal Land Council	email re additional survey now crop harvested	9/01/2019	10/01/2019	via email	Sam confirmed availability for 21 Jan additional survey
Reminder sent re testing methodology comments					
Bundyi Aboriginal Cultural Knowledge	reminder sent via email comments due COB today	1/02/2019	1/02/2019	via phone	noted was happy with the methodology and had not additional comments, glad some testing was being undertaken
Albury and District Local Aboriginal Land Council	reminder sent via email comments due COB today	1/02/2019	1/02/2019	via email	noted all good
OEH notification of testing					
OEH	14 days notification of testing and methodology sent to OEH via email	7/02/2019	8/02/2019	via email	<p>Thanks for notifying OEH regional office of your intention to undertake subsurface testing excavation under the CoP (OEH 2010).</p> <p>It is noted that consultation is being undertaken in accordance with requirements under Part 6 of the Act (Aboriginal consultation requirements for proponents 2010), which includes review and comment by the local Aboriginal community and that these same stakeholders will be involved in fieldwork.</p> <p>OEH has reviewed the proposed method and it appears to meet the CoP and legislative requirements inclusive of identification of off site locations for storage and further assessment of lithic artefacts, a relocation plan and also updating of AHIMS register reflecting activities effecting sites.</p>

Organisation	Action	Date Sent	Reply Date	Replied by	Response
Draft ACHA for review					
Bundyi Aboriginal Cultural Knowledge	sent via email	17/04/2019	17/04/2019	via email	Your report seems to be OK, thanks for caring about my mob and our country.
Albury and District Local Aboriginal Land Council	sent via email	17/04/2019			
Sent reminder re comments					
Albury and District Local Aboriginal Land Council	sent via email	13/05/2019			
Albury and District Local Aboriginal Land Council	sent via email	20/05/2019			
Albury and District Local Aboriginal Land Council	phone call with KB-LALC will try and review asap and provide any comments before COB 22 may and acknowledge report will be finalised at end of week	21/05/2019			
Additional survey addendum - substation					
Bundyi Aboriginal Cultural Knowledge	Phone call with KB re need additional survey early next year will send letter in NY, possible survey week of 20th Jan 2020 TBC	19/12/2019			
Albury and District Local Aboriginal Land Council	Phone call with KB re need additional survey early next year will send letter in NY, possible survey week of 20th Jan 2020 TBC	19/12/2019			
Bundyi Aboriginal Cultural Knowledge	sent via email	7/01/2020	7/01/2020	Via email	acknowledged letter, unavailable to participate in fieldwork due to other commitments
Albury and District Local Aboriginal Land Council	sent via email	7/01/2020	8/01/2020	Via email	provided rates and insurances, available for the 21 Jan survey

7 January 2020



Dear [REDACTED]

Re: Jindera Solar Farm Addendum ACHA Notice of additional survey for substation and road works

As you would be aware, you are a Registered Aboriginal Party (RAP) for the Jindera Solar Farm project. As part of a recent review of the proposed project NGH was informed that works may be required within the Jindera substation to ensure the existing infrastructure can sufficiently handle and distribute the electricity proposed to be generated by the Jindera Solar Farm. Additionally, road works may be required at the entrance points to the Jindera Solar Farm off Walla Walla Road and Urana Road to comply with appropriate road guidelines to the stratification of the relevant road authorities.

The proposed works within the Jindera substation (Lot3 DP 749584) and at the entrance points to the Jindera Solar Farm on Walla Walla Road and Urana Road is a continuation of the original Jindera Solar Farm project which has not been previously subject to heritage assessment. Consequently, this letter is provided to ensure you are informed about the proposed substation and road works and to invite you to provide a copy for your rates and insurances should you wish to be considered for fieldwork participation by the proponent. The fieldwork to survey these additional areas is currently scheduled to be undertaken on a single day between the 21st – 23rd of January 2020 therefore updated copies of your rates and insurances must be provided before COB Tuesday the 14th of January 2020 should you wish to be eligible for selection by the proponent for fieldwork participation. The survey methodology for the substation and road works will be conducted as per that undertaken for the Jindera Solar Farm.

Please also be advised that NGH propose to write an addendum ACHA report detailing the assessment outcome of the substation and road works which will be submitted to the NSW Department of Planning, Industry and Environment (DPIE) for review as part of their assessment of the Jindera Solar Farm. A copy of the draft Addendum ACHA report will be provided to all RAPs for comment.

Should you have any questions or concerns regarding the additional survey and addendum assessment for the Jindera Solar Farm please don't hesitate to contact me.

Yours Sincerely,

Kirsten Bradley
Senior Heritage Consultant
NGH



CANBERRA

Unit 8, 27 Yallourn Street (PO Box 62) Fyshwick ACT 2609

T. (02) 6280 5053 E. ng@nghconsulting.com.au W. www.nghconsulting.com.au

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APPENDIX B AHIMS SEARCH

Information withheld due to cultural sensitivity.