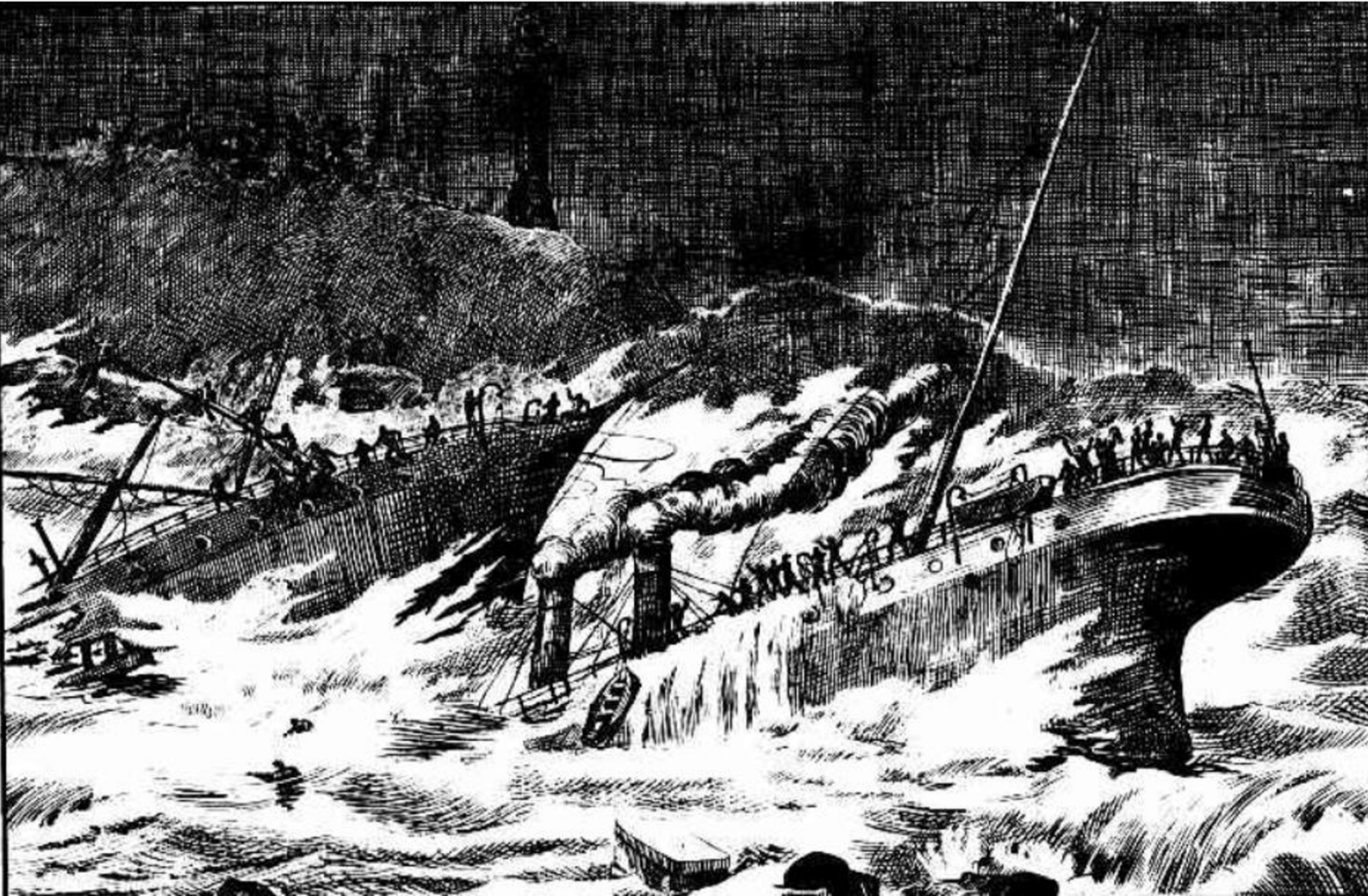




Eden-1

Cultural Heritage Response Plan 2026

Disaster Bay, NSW

Document details	The details entered below are automatically shown on the cover and the main page footer. PLEASE NOTE: This table and signature page must NOT be removed from this document.
Document title	Eden-1 Cultural Heritage Response Plan 2026
Document subtitle	Disaster Bay
Business	Auskelp Pty Ltd ABN 33 644 315 613
Lease Area	AL21/004
Lease Size	200 ha
Kelp Species	Ecklonia radiata
NSW Case ID	SSD-41680467
Date	1 July 2026
Version	3.0
Previous Version	2.0 – 2 December 2025
Author	Christopher Ride
Cover Image Credit	An artist's impression of the wreck of the Ly-ee-Moon, as depicted in an 1886 newspaper report of the disaster
Disclaimer	The information contained in this publication is based on knowledge and understanding at the time of writing (July 2026)
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Project Definition	Kelp Aquaculture Farm

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1.0 PROJECT DETAILS

Eden-1 Kelp Aquaculture Farm

Auskelp Pty Ltd | 2025

- **Location:** Offshore in Disaster Bay
- **Growing Period:** Autumn, Winter, Spring (March–December)
- **Primary Hours of Operation:** 0700–1700 AEST
- **Key Operational Activities (offshore):** Installation, hatchery, deployment, monitoring, maintenance, harvesting of kelp longline infrastructure
- **Vessel Base:** Snug Cove, Port of Eden & Edrom (Pentarch) Industrial Area
- **Vehicle Base:** Industrial area Edrom (logistics depot and maintenance facility)
- **Heritage Types:** Aboriginal and European
- **Land based operations:** No land based digging or operations relate to this project

1.1 Overview

If Aboriginal or European heritage is discovered within or in the area of the Eden-1 Kelp Aquaculture Farm lease area during operations, the following management, mitigation, and monitoring plan would apply, consistent with NSW statutory requirements and best practice.

This policy and procedure has been developed to:

- Provide a consistent method for managing unexpected heritage items (both Aboriginal and European) that are discovered during activities undertaken by Auskelp Pty Ltd or its contractors in relation to the aquaculture operations relating to Lease AL21/004 in Disaster Bay (SSD-41680467). State Significant Developments are assessed under Part 4 of the Environmental Planning and Assessment Act 1979 (NSW) (EP&A Act).
- Detail Auskelp Pty Ltd obligations under the Heritage Act 1977 (NSW), National Parks and Wildlife Act 1974 (NSW), and the Coroner's Act 2009 (NSW) as the proponent for SSD-41680467.

Scope

Appropriate Aboriginal and European heritage assessments (in the form of a Aboriginal Cultural Heritage Assessment Report [ACHAR] and relevant European Heritage Assessments) must be completed in preparation of the required Environmental Impact Statement (EIS) before work commences on site. Despite appropriate and adequate investigation, unexpected heritage items may still be discovered during maintenance and construction works. When this happens, this procedure must be followed.

This policy and procedure provides direction on when to stop work, where to seek technical advice and how to notify the regulator if required. This policy and procedure applies to the discovery of any unexpected heritage item (usually during farm construction), where Auskelp Pty Ltd does not have approval to disturb the item, or where safeguards for managing the disturbance (apart from this policy and procedure) are not contained in the Environmental Impact Statement.

1.2 What is an Unexpected Heritage Find?

An 'unexpected heritage find' is defined as any unanticipated archaeological discovery that has not been identified during a previous assessment, or is not covered by an existing permit under relevant legislation such as the National Parks and Wildlife Act 1974 (NPW Act) or Heritage Act 1977. Despite being located in an offshore environment, a heritage find may have potential cultural heritage value, which may require some type of statutory cultural heritage permit or notification if any interference of the heritage item is proposed or anticipated. The range of potential archaeological discoveries can include but are not limited to:

- Aboriginal stone artefacts, shell middens, burial sites, engraved rock art, scarred trees
- Shipwrecks and other maritime artifacts or aircraft
- Remains of other infrastructure including sandstone or brick buildings, wells, cisterns, drainage
- Artefact scatters including clustering of broken and complete bottles, glass, ceramics, animal bones and clay pipes
- Archaeological human skeletal remains.

1.3 Types of Heritage Items

Aboriginal Objects

The NPW Act provides the basis for the care, protection and management of Aboriginal objects and places in NSW. 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 (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.

Under section 87 of the Act, it is an offence to harm or desecrate an Aboriginal object or place. There are strict liability offences. An offence cannot be upheld where the harm or desecration was authorised by an Aboriginal Heritage Impact Permit (AHIP) and the permit's conditions were not contravened. Defences and exemptions to the offence of harming an Aboriginal object or Aboriginal place are provided in section 87, 87A and 87B of the Act. A person must notify Heritage NSW if a person is aware of the location of an Aboriginal object. Penalties for some of the offences can include two years imprisonment and/or up to \$550,000 (for individuals), and a maximum penalty of \$1.1 million (for corporations).

The proposed activity "Kelp Aquaculture Farming" is located within New South Wales state waters, and as such, the Underwater Cultural Heritage Act 2018 (Cth) does not apply. This Act governs the protection of First Nations Underwater Cultural Heritage (UCH) in Commonwealth waters, defined as areas more than three nautical miles from the coast. In such Commonwealth waters, proponents are legally required to notify the Department of Climate Change, Energy, the Environment and Water within 21 days of discovering any suspected First Nations UCH. Any impact on declared UCH is prohibited without a permit, and if a permit is granted, all associated conditions must be fully complied with. As the Eden-1 site lies within state jurisdiction, these Commonwealth obligations are not applicable to the proposed development.

Under section 139 of the Heritage Act 1977 (NSW), it is an offence to disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed unless the disturbance or excavation is carried out in accordance with an excavation permit issued by Heritage NSW under the Act. A relic is defined as: 'any deposit, artefact, object or material evidence that: (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and (b) is of State or local heritage significance.' A person must notify Heritage NSW, if a person is aware or believes that they have discovered or located a relic (section 146). Penalties for offences under the Heritage Act can include six months imprisonment and/or a fine of up to \$1.1million.

If a relic is likely to be disturbed, an approval is required from the Heritage Council of NSW. When a person discovers a relic, they must notify the Heritage Council of NSW of its location.

Human Skeletal Remains

Where it is suspected that less than 100 years has elapsed since death, human skeletal remains come under the jurisdiction of the State Coroner and the Coroners Act 2009 (NSW). Under s35(2) of the Act, a person must report a death to a police officer, a coroner or an assistant coroner as soon as possible. This applies to all human remains less than 100 years old regardless of ancestry. Public health controls may also apply. Where the remains are suspected of being more than 100 years old, they are considered to be either Aboriginal objects or non-Aboriginal relics, depending on the ancestry of the individual. Aboriginal human remains are protected under the National Parks and Wildlife Act 1974 (NSW), while non-Aboriginal heritage remains are protected under the Heritage Act 1977 (NSW).

It is important to note, the discovery of Aboriginal human remains triggers notification requirements to the Commonwealth Minister for the Environment under s20 (1) of the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Cth).

1.4 Project Details

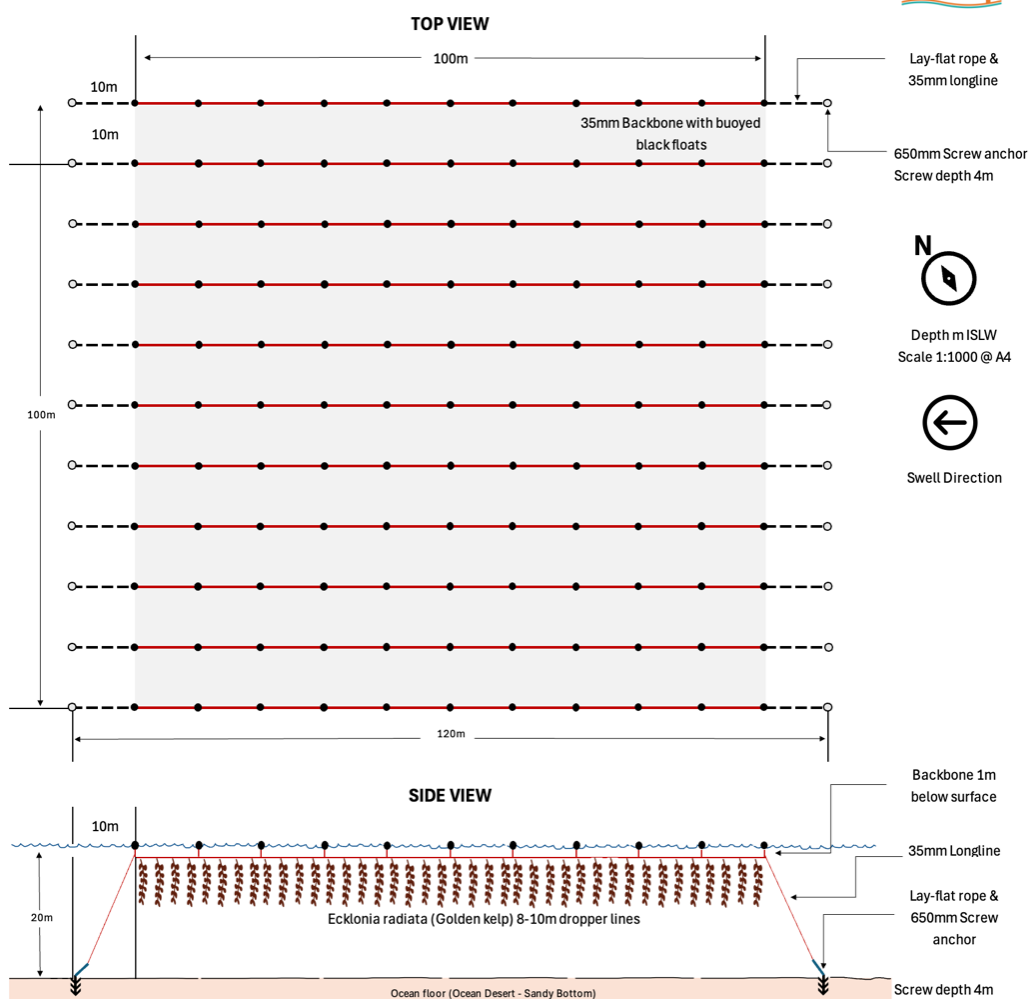
The attached **2.0 HERITAGE FIND PROCEDURE v1.1** (see Section 2 of this document) has been developed to identify and inform Auskelp Pty Ltd or its contractors on the process for managing unexpected cultural heritage that may be encountered during the placement and future monitoring of screw anchors beneath the AL21/004 Kelp Aquaculture Farm.

This procedure includes:

- Unexpected finds, stop work triggers and notification procedures
- Recording examples

Based on the proposed works, approximately 100 x 1-hectare Kelp Aquaculture Farm rigs (see Figure 1) will be installed across the 200 hectare lease area designated AL21/004 (See Figure 2) using removable screw anchors, at an average water depth on 20 meters.

There are no known Aboriginal or European heritage items identified within the proposed offshore area, including shipwrecks. Underwater filming and seafloor scanning of the lease area has determined no archaeological items are currently present. A desktop search using a database of heritage listed wrecks within the confines of Disaster Bay provided by Heritage NSW revealed three major shipwrecks are known to occur in the area (see Figure 3), at Greencape, approximately >5km from the lease area.

Auskelp 1-Hectare Ocean Rig (v2025.4)

* Diagram denotes typical configuration

Figure 1: Auskelp 1-Hectare Ocean Rig (Credit: Auskelp 2025).

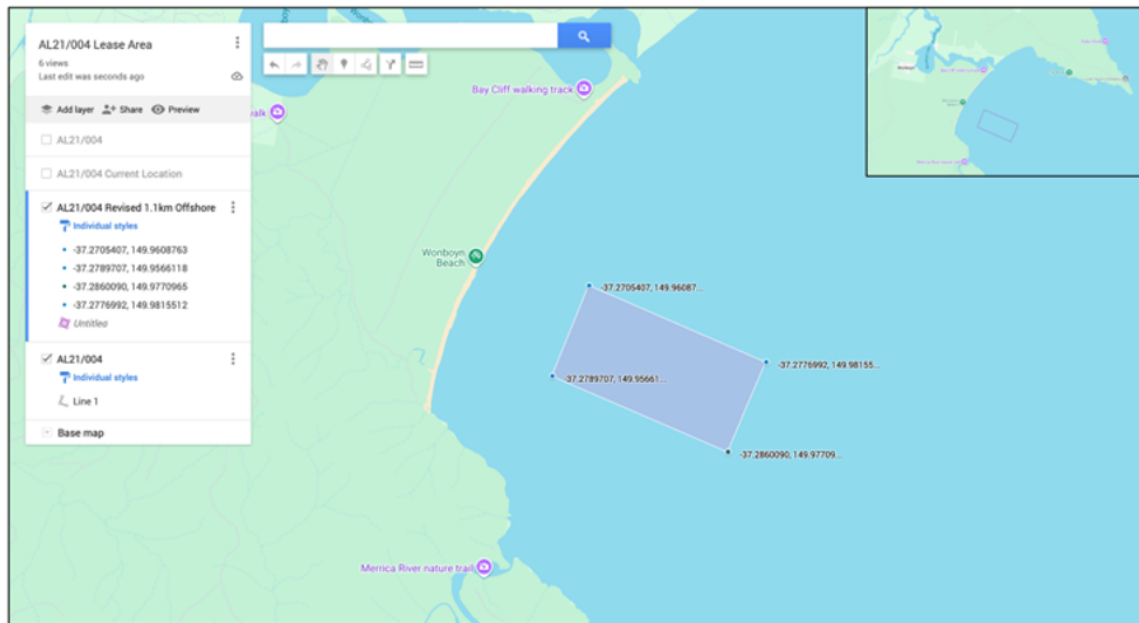


Figure 3: AL21/004 Lease Coordinates, Disaster Bay, NSW (Credit: Google).



Figure 49: Approximate location of heritage shipwrecks in Disaster Bay (Credit: Google & Australasian Underwater Cultural Heritage Database 2025).

1.5 General Find Procedure

On discovery of a potential archaeological find, or identified relic:

1. Works must stop immediately – consult with the flowchart Section 2.0 Heritage Find procedure.
2. The relevant representative on the vessel must notify the Heritage NSW and also the NSW Department of Planning and Environment – Aboriginal Cultural Heritage Division (for suspected Aboriginal heritage) and also provide a relevant maritime archaeologist with all supporting information.
3. The maritime archaeologist will determine if the item is a possible heritage item.
4. Photographs and a GPS position of where the potential find was encountered should be taken and passed on with the notification of the discovery of the object. Examples of how to take photographs and the types of materials that could be expected are provided below.

5. The maritime archaeologist must be given time to assess the find and its heritage significance, and determine if there is potential for a larger deposit or objects on the site.
6. If the find is assessed as being a possible heritage item, further planned screw anchor installation work is to cease in the area where the discovery of the object was found, until further investigation can be made. Screw anchors may be installed in other areas upon approval by a maritime archaeologist and Heritage NSW on the level of risk to the object.
7. Notification of the discovery of a shipwreck is required to be made to DCCEEW under s.7 of the Underwater Cultural Heritage Act 2018. If the unexpected find is not a shipwreck, notification may be required to be made to Heritage NSW under s.146 of the Heritage Act 1977.
8. Heritage items that are identified on the seabed should be left in situ. If the item was recovered floating in the water, the object should be kept wet, placed in a tub filled with ocean water (if not too large) and taken back to shore and the next available opportunity to be stored in a secure location. The maritime archaeologist would attend site as soon as possible to make further recordings and recommendations based on their assessment of the item. Recommendations would include possible long term conservation of the find and future storage or display.

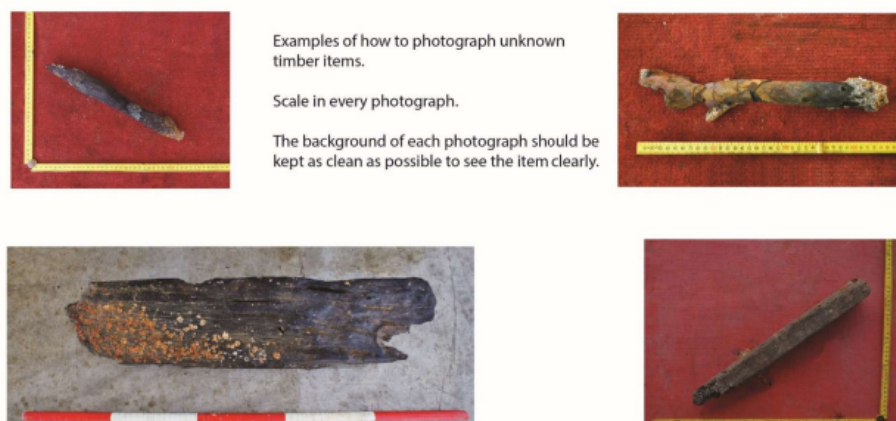
1.6 Recording Heritage Items

When recording discovered Heritage Items, the following photographic guidelines should be used (note: the examples below are terrestrial finds and underwater heritage items should be left in situ, if possible):

DISCOVERY OF PREVIOUSLY UNIDENTIFIED HERITAGE OBJECTS DURING ACTIVITIES EXAMPLE PHOTOGRAPHIC RECORDING GUIDE



EXAMPLE OF TIMBER ITEMS



EXAMPLE OF METAL ITEMS



Examples of how to take detailed photographs of metal items.

Photographs of the whole item should be taken before taking detailed photographs.

Scale should be present in every photograph and located close to the detail being shot.

Different angles of the same detail should be taken.



Multiple small objects can be photographed in one shot. Items should be spaced so each can be clearly seen.

The scale needs to be visible so accurate measurements can be taken from the photos.

Detailed photos should still be taken if objects have writing or other stamped features on them.



EXAMPLES OF GLASS ITEMS



How to photograph a whole bottle.

Scale kept straight on either below or to one side of the bottle.



How to photograph detail present on a glass bottle.

Scale kept straight and close to the detail being photographed.



How to photograph detail around the base of a glass bottle.

Scale is in line and kept straight.



How to photograph the detail on the base of a bottle.

The photo can be taken on an angle to help see the outline of embossing

Scale is level with the section of the bottle to be photographed and kept straight

1.7 Identification

If maritime artifacts are discovered, a registered maritime archaeologist would need to determine if the find is from a potential shipwreck or other underwater cultural heritage site, or, if the object is from a debris field or similar scatter. If part of a shipwreck is discovered, it would likely require some time to investigate, determine its location and provide mitigation measures.

Failure to follow the unexpected finds procedure may result in a breach of the NSW Heritage Act 1977, and/or the National Parks and Wildlife Act 1974 and/or the Coroners Act 2009. Penalties for breaches of these Acts may apply.

1.8 Legislation and Guidelines

Environmental Planning and Assessment Act 1979 (EP&A Act) NSW

Requires heritage to be considered within the environmental impact assessment of projects. This is based on the premise that an appropriate level of Aboriginal and non-Aboriginal cultural heritage assessment and investigations and mitigation have already been undertaken under the relevant legislation, including the EP&A Act, during the assessment and determination EIS process. It also assumes that appropriate mitigation measures have been included in the conditions of any approval.

National Parks and Wildlife Act 1974 (NPW Act) NSW

Provides for the protection and management of Aboriginal objects. 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 (or both) the occupation of that area by persons of non-Aboriginal extraction, and includes Aboriginal remains'.

It is an offence to harm or desecrate an Aboriginal object or place. These are strict liability offences. An offence cannot be upheld where the harm or desecration was authorised by an Aboriginal heritage impact permit and the permit's conditions were not contravened. A person must notify the Heritage Branch of Office of Environmental Heritage (OEH) if a person is aware of the location of an Aboriginal object. Penalties for some of the offences can include 2 years imprisonment and/or up to \$550,000 (for individuals), and a maximum penalty of \$1.1million (for corporations).

Heritage Act 1977 NSW

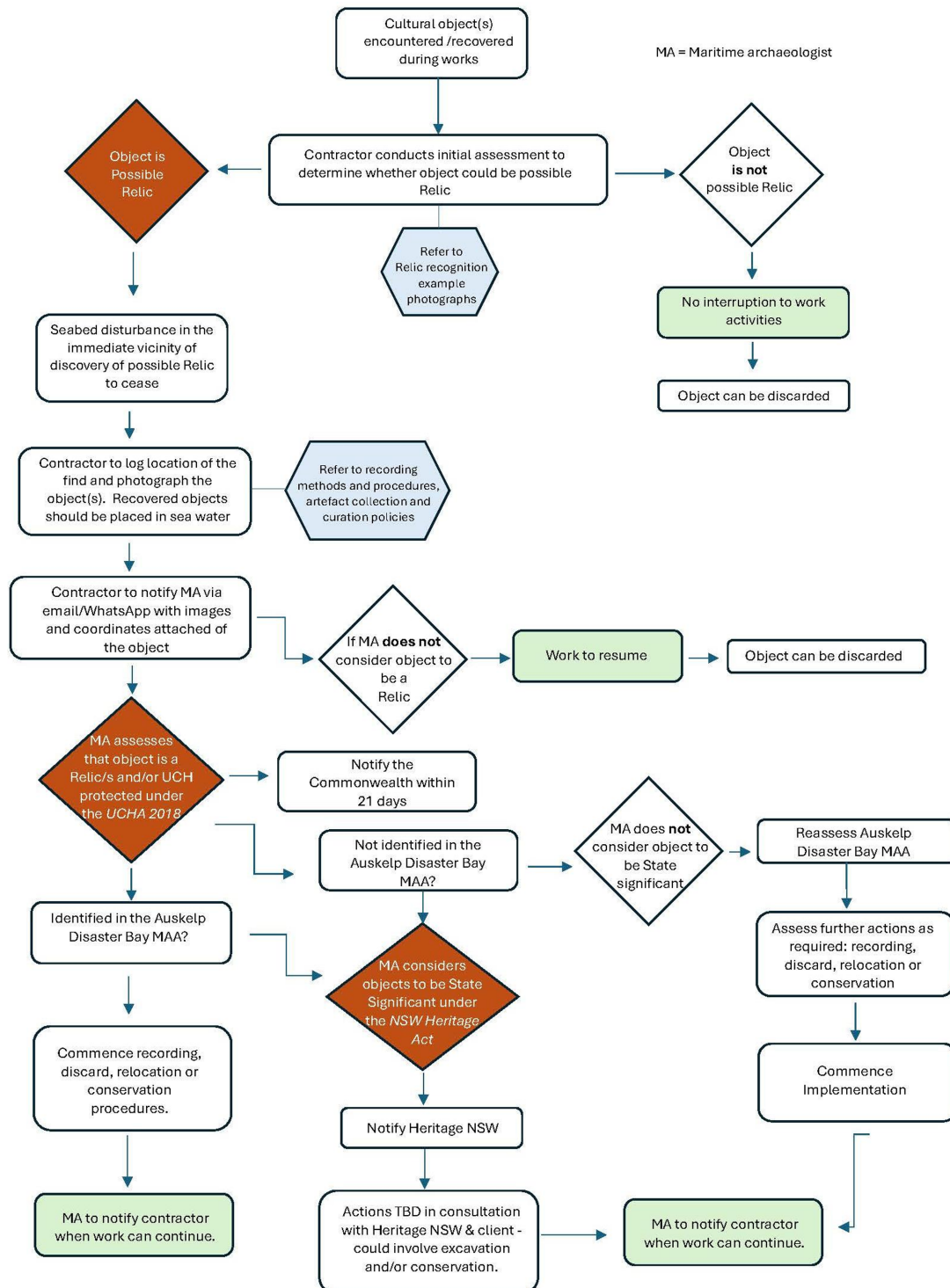
Provides for the care, protection and management of relics. A relic is defined as: 'any deposit, artefact, object or material evidence that: (a) relates to the settlement of the area that comprises New South Wales, not being Aboriginal settlement, and (b) is of State or local heritage significance.' It is an offence to disturb or excavate any land knowing or having reasonable cause to suspect that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed, unless the disturbance or excavation is carried out in accordance with an excavation permit issued by the Heritage Branch of the OEH. A person must notify the Heritage Branch of OEH, if a person is aware or believes that they have discovered or located a relic. Penalties for offences under the Heritage Act can include 6 months imprisonment and/or up to \$1.1million.

First Nations Underwater Cultural Heritage in Commonwealth Waters

The following technical guidelines set out the minimum standard framework for archaeological assessment and management of First Nations underwater cultural heritage in Commonwealth waters to meet the requirements of the Underwater Cultural Heritage Act 2018 [administered by the Australian Government Department of Climate Change, Energy, the Environment and Water (DCCEEW)]. Commonwealth waters are defined under the UCH Act (Section 13) as the territorial sea of Australia, other than coastal waters of a State or the Northern Territory. The lease area designated AL21/004 is not in commonwealth waters, as such Aboriginal underwater cultural heritage is assessed in line with the Heritage Act 1977 (NSW).

2.0 HERITAGE FIND PROCEDURE

Eden-1 Kelp Aquaculture Farm
Maritime Archaeology Assessment



2.1 Heritage Find Additional Details

1. Immediate Cessation of Works

- All works in the immediate vicinity of the find will cease immediately to avoid disturbance.
- The area will be secured and flagged to prevent unintentional access.

2. Notification of Authorities

- For all heritage discoveries contact Heritage NSW within 24 hours, and for Aboriginal objects you must also contact the NSW Department of Planning and Environment – Aboriginal Cultural Heritage Division within 24 hours.
 - Email: heritage@dpie.nsw.gov.au
 - Phone: 131 555
- If human remains are suspected, NSW Police will also be informed immediately by phoning: 000.

3. Engage a Qualified Heritage Consultant

A qualified Aboriginal heritage consultant or archaeologist will be engaged to:

- Conduct a preliminary site inspection;
- Record the find and assess its significance;
- Provide written recommendations on further actions.

4. Aboriginal Community Consultation (if applicable)

- If Aboriginal heritage is identified, relevant Registered Aboriginal Parties (RAPs) will be consulted in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents (NSW OEH, 2010).
- Appropriate cultural protocols will be followed, including consultation on artefact handling, avoidance measures, or repatriation.

5. Mitigation Measures

Depending on the significance of the discovery, the following may be implemented:

- Avoidance of the site through reconfiguration of screw anchors;
- Salvage and documentation under a Heritage Impact Permit (HIP) or AHIP (Aboriginal Heritage Impact Permit);
- Development of a Heritage Management Sub-plan.

6. Monitoring

- If directed by regulators or recommended by a heritage consultant, targeted archaeological monitoring may occur during subsequent infrastructure deployment or anchor placement.
- Findings will be documented and reported to the NSW Heritage Division or AHIMS (Aboriginal Heritage Information Management System) as required.

7. Resumption of Work

- Activities will only recommence once written approval or clearance has been provided by the relevant statutory authority.

Note: The above approach is consistent with the Heritage Act 1977 (NSW) and the National Parks and Wildlife Act 1974 (NSW), ensuring protection of cultural heritage values and legal compliance.

Eden-1-Cultural-Heritage-Response-Plan-2026-v3.0

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