

Unanticipated Finds Protocol

Stubbo Solar project – Blue Springs Road upgrades and main site access construction

3 June 2022

1 Introduction

ACEN Australia (ACEN, formerly known as UPC\AC Renewables Australia) is developing the Stubbo Solar Farm and Battery project (Stubbo Solar), a grid-connected photovoltaic solar farm of up to 400 megawatts (MW) alternating current (AC) and a Battery Energy Storage System (BESS) of up to 200MW for 1 hour, in the New South Wales (NSW) Central West Orana region. The project is located approximately 90 kilometres (km) east of Dubbo, in the Mid-Western Regional Council (MWRC) Local Government Area (LGA).

ACEN is required under the development consent (DC) to upgrade of Blue Springs Road from its intersection with Cope Road to its intersection with the main site access. Simultaneously ACEN is also proposing to undertake construction of the main site access prior to commencement of construction of the Stubbo Solar project.

The commitments made by ACEN regarding cultural heritage as listed in Table 20-1 of the EIS and in Table 7-2 of the Amendment Report include commitments AH1, AH4 and HH4:

“AH1 The proponent will develop the ACHMP which is to be agreed to by the RAPs and DPIE. The ACHMP will also include an unanticipated finds protocol, unanticipated skeletal remains protocol and long-term management of any artefacts. Prior to construction”.

“AH4 The addendum survey area would be included in the Aboriginal cultural heritage management plan (ACHMP), which will detail the processes for managing unanticipated Aboriginal heritage items or potential human remains encountered during the life of the project. Prior to construction”.

“HH4 The addendum survey area will be included in the Unanticipated Finds Protocol for Historic Heritage which will detail the processes for managing unanticipated historic heritage items during the life of the project. Prior to construction”.

For the current stage of construction of the proposed Blue Springs Road upgrade and main site access road no identified Aboriginal heritage items are known to be present in the vicinity of

the works. As such, the Heritage Conditions 21-23 of the development consent (DC) relating to protection and salvage of identified heritage items, and development of a Heritage Management Plan related to the identified heritage are not applicable to the current construction stage. However, Heritage Condition 23 states that a contingency plan and reporting procedure must be prepared to be implemented if:

- previously unidentified heritage items are found; or
- Aboriginal skeletal material is discovered.

Prior to the commencement of further stages of construction that could impact directly or indirectly on the heritage items identified in Appendix 6 of the DC a Heritage Management Plan will be prepared.

2 Unanticipated Finds Protocol

2.1 Scope

This Unanticipated Finds Protocol applies to all activities undertaken during the main site access road upgrade and main site access construction for the Stubbo Solar by personnel, contractors or visitors, that could result in uncovering unanticipated finds. The protocol sets out the required process regarding the discovery of unanticipated finds during construction activities. The protocol details the training requirements, steps to be followed in the event a chance find occurs, reporting and recording requirements, and chain of command.

2.2 Training requirements

All individuals (personnel, contractors and visitors) accessing the site have the potential to uncover an unanticipated find and, as such, must understand the unanticipated finds protocol prior to gaining access. In order to enact the protocol individuals must also be trained in identifying potential Aboriginal cultural heritage items.

2.3 Discovery of new Aboriginal sites

Any artefact that is the result of past Aboriginal activity is classified as an Aboriginal cultural heritage item (site, object or place). Such artefacts include stone artefacts, plant artefacts (such as culturally scarred trees) and animal artefacts showing signs of modification. New artefacts are artefacts that have not previously been described and listed within Appendix 6 of The Development Consent (DC) - Application Number: SSD-10452. These artefacts are protected under the *Aboriginal Heritage Act 1975* (the Act) and *Heritage Act 1977* (NSW) and

as such the following Unanticipated (Chance) Finds protocol must be followed to minimise impacts on them.

Potential types of unanticipated find

In the vicinity of the proposed Blue Springs Road upgrade and the main site access construction area, no Aboriginal items have been identified. However previous Aboriginal site features were identified within the development site, largely associated with the Stubbo Creek which traverses the site and its tributaries, during pre-construction assessment in August 2020 (Stubbo SF EIS (2020) Section 7). These Aboriginal site features included isolated artefacts, artefact scatters with PADs (potential archaeological deposits) and a scarred tree. Many of the finds were stone artefacts predominantly quartz (80%) and chert (7%).

It is possible human bone remains may be discovered during construction. Such a discovery has its own protocol (Unanticipated Human Remains Protocol, see Section 3).

Procedure to follow in the event of discovery of unanticipated find

In the event a new Aboriginal cultural heritage item is identified within the project boundary during construction activities the following steps should be taken (see Figure 1 for overview):

- **Cease all works immediately** – with the exception of vital Occupational health and safety necessities all works within the vicinity of the possible Aboriginal site should cease.
- **Contact supervisor** – the individual who finds the artefact should report the find to the supervisor responsible for the activity who in turn is responsible for contacting the Environmental Manager or Project Manager.
- **Secure location** – the find should not be moved and the area surrounding the object (within at least a 10 m radius of the location) should be secured to establish a protection zone and avoid further disturbance. The protection zone should be secured by erecting temporary fencing and adequate signage until further notice.
- **Record finding** – the Project Manager / Environmental Manager will record the find (including description of item, photos of item and location).
- **Inform personnel** – the Project Manager/ Environmental Manager will inform all onsite personnel of the chance find and work area restrictions, and enforce the protection zone required to protect the find.
- **Contact an archaeologist** – within 24 hours of the artefact being found, the project archaeologist or a suitably qualified archaeologist must be contacted to determine the validity, nature, extent and significance of the find:

- If determined not to be an Aboriginal artefact works may resume upon receipt of a written confirmation from the project Archaeologist and approval of the Project Manager/ Environmental Manager.
- If determined to be culturally significant the find should be recorded and reported as soon as possible to Heritage NSW on (02) 9873 8500 (heritagemailbox@environment.nsw.gov.au).
- **Follow Archaeologist’s advice** – if the Archaeologist confirms the Chance Find is an Aboriginal cultural heritage item, he/she will inform the Project Manager/Environmental Manager and provide advice on how to proceed.
- **Follow Instruction from Heritage NSW** – further action such as heritage assessment, historical research, archaeological excavation and/or archival recording may be required before continuing work in the area, in accordance with any advice received from Heritage NSW. Aboriginal stakeholders (e.g. registered Aboriginal parties (RAPs) are to be involved in further assessments.
- **Await written permission to resume** – if the Chance Find is an Aboriginal cultural heritage item, works may only recommence once a Plan of Management has been enacted and written permission has been obtained from authorities.

A Plan of Management is required for new Aboriginal cultural heritage items. The plan should be developed in consultation with the archaeologist and include:

- procedures for any further assessment of the item
- required cultural heritage management measures, such as archaeological excavation and/or archival recording
- any additional or ongoing modification of construction or operational activities
- outline of required consultation with RAPs and Heritage NSW.

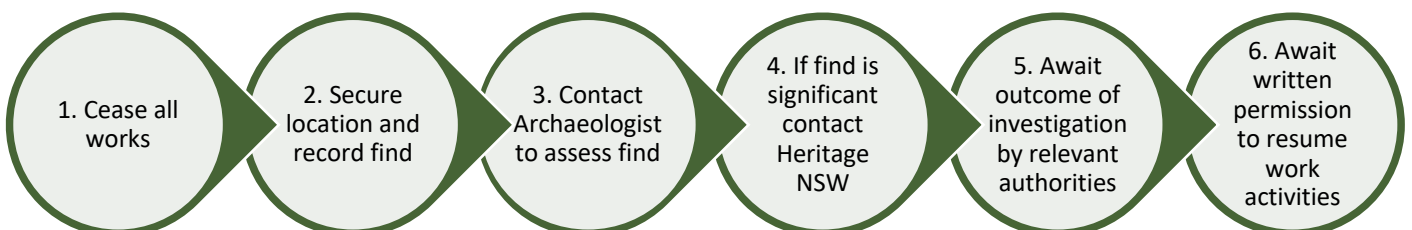


Figure 1 Overview steps of Unanticipated Finds Protocol

2.4 Discovery of new Historic Heritage sites

As part of their Aboriginal Cultural Heritage and Historic Heritage Assessment Report for the Stubbo Solar EIS project OzArk Environment and Heritage produced a protocol for the discovery of new historic heritage items (OzArk 2020). This protocol is reproduced below.

Potential types of unanticipated find

A historic artefact is anything which is the result of past activity not related to the Aboriginal occupation of the area. Historic artefacts may include pottery, wood, glass and metal objects as well as the built remains of structures, sometimes heavily ruined.

Heritage significance of historic items is assessed by suitably-qualified specialists who place the item or site in context and determine its role in aiding the community's understanding of the local area, or their wider role in being an exemplar of state or even national historic themes.

Procedure to follow in the event of discovery of unanticipated find

In the event a new historic heritage item is identified during construction activities the following steps should be taken:

- **Cease all works immediately** – All ground surface disturbance in the area of the finds should cease immediately, then:
 - a) the discoverer of the find(s) will notify machinery operators in the immediate vicinity of the find(s) so that work can be halted
 - b) the site supervisor will be informed of the find(s).
- **Contact NSW Police** – If finds are suspected to be human skeletal remains, then NSW Police must be contacted as a matter of priority.
- **Contact an archaeologist** – If there is substantial doubt regarding the historic significance for the finds, then gain a qualified opinion from an archaeologist as soon as possible. This can circumvent proceeding further along the protocol for items which turn out not to be significant. If a quick opinion cannot be gained, or the identification is that the item is likely to be significant, then proceed to the next step.
- **Notify Heritage NSW** – Notify Heritage NSW as soon as practical on 131 555 providing any details of the historic find and its location.
- **If the find is insignificant in the view of the heritage specialist** – if, in the view of the heritage specialist or Heritage NSW, the finds appear not to be significant, work may recommence without further investigation. Keep a copy of all correspondence for future reference.

- **If the find is significant in the view of the heritage specialist** – if, in the view of the heritage specialist or Heritage NSW, finds appear to be significant, facilitate the recording and assessment of the finds by a suitably qualified heritage specialist. Such a study should include the development of appropriate management strategies.
- **a significant find has been made** – If the find(s) are determined to be significant historic items (i.e. of local or state significance), any re-commencement of ground surface disturbance may only resume following compliance with any legal requirements and gaining written approval from Heritage NSW.

3 Discovery of Aboriginal ancestral remains (Unanticipated Human Remains Protocol)

In the case of suspected human remains are uncovered within the project boundary during proposed construction activities the following steps should be taken:

- **Cease all works immediately** – with the exception of vital Occupational health and safety necessities all works within the vicinity of the possible remains should cease
 - **Contact supervisor** – the individual who finds the artefact should report the find to the supervisor responsible for the activity who in turn is responsible for contacting the Environmental Manager or nominated Senior staff member.
 - **Notify authorities** – notify the NSW Police, and notify DPE using the EPA’s Environment Line on **131555**, as soon as possible providing details of the remains and their location.
 - **Secure location** – the remains should not be moved and the surrounding area should be secured determining a protection zone in consultation with NSW Police, DPE - Environment and Heritage and Archaeologist if required.
 - **Inform personnel** – the Project Manager/ Environmental Manager will inform all onsite personnel of chance find if access to work area is restricted and enforce protection zone required to protect the find.
 - **Await confirmation from NSW Police and DPE – Environment and Heritage** before recommencement of works. If remains are confirmed to be non-human works may resume. If remains are determined to be human then a plan of management will be established in consultation with NSW Police, DPE – Environment and Heritage and the Aboriginal stakeholders.
 - **Execute Plan of management**, works may only recommence once plan has been enacted and all relevant parties have approved continuation of works.