



PUBLIC DISPLAY

APPENDIX R UNEXPETCED FINDS PROCEDURE



The Plains Wind Farm

Unexpected Heritage Finds Procedure

PREPARED FOR
ENGIE Australia and New Zealand

DATE
20 March 2025

REFERENCE
0667692



DOCUMENT DETAILS

DOCUMENT TITLE	The Plains Wind Farm
DOCUMENT SUBTITLE	Unexpected Heritage Finds Procedure
PROJECT NUMBER	0667692
DATE	20 March 2025
VERSION	03
AUTHOR	Lorien Perchard
CLIENT NAME	ENGIE Australia and New Zealand

DOCUMENT HISTORY

VERSION	REVISION	AUTHOR	REVIEWED BY	ERM APPROVAL TO ISSUE		COMMENTS
				NAME	DATE	
Draft V1	01	L. Perchard	E. Mackenzie	M. Davey	17.12.2024	For client review
Draft V2	02	V. Gleeson	-	M. Davey	18.12.2024	For RAP review
FINAL V3	03	L. Perchard	-	M. Davey	20.03.2025	FINAL

The Plains Wind Farm

Unexpected Heritage Finds Procedure

0667692



Lorien Perchard
Managing Consultant



Elsbeth Mackenzie
Principal Technical Consultant



Joanne Woodhouse
Project Manager



Mark Davey
Partner

Environmental Resources Management
Australia Pty Ltd
Level 14, 207 Kent Street
Sydney NSW 2000
T +61 2 8584 8888

CONTENTS

1.	INTRODUCTION	1
1.1	PURPOSE OF THIS UNEXPECTED HERITAGE FINDS PROCEDURE	1
1.2	SCOPE	1
1.3	CONSULTATION	1
2.	LEGISLATIVE CONTEXT	2
2.1	ABORIGINAL CULTURAL HERITAGE	3
2.1.1	Aboriginal Cultural Heritage Protection and Management Pathway	4
2.2	HISTORIC HERITAGE	4
2.2.1	Historical Archaeological Relics	5
2.2.2	Historic Heritage Protection and Management Pathways	5
2.2.3	Statutory Requirements of the UFP	6
3.	TYPES OF UNEXPECTED HERITAGE ITEMS AND THEIR LEGAL PROTECTION – DETAILED PROCEDURES	7
3.1	ABORIGINAL CULTURAL HERITAGE	7
3.1.1	Discovery	7
3.1.2	Notification	8
3.1.3	Resumption of Works	8
3.2	HISTORIC HERITAGE	8
3.2.1	Discovery	8
3.2.2	Notification	8
3.2.3	Resumption of Works	9
3.3	HUMAN REMAINS	9
3.3.1	Discovery	9
3.3.2	Notification	9
3.3.3	Project redesign or resumption of works	9
4.	PROCEDURE SUMMARY GUIDES	10
4.1	UNEXPECTED FINDS PROCEDURE 1: DISCOVERY OF ABORIGINAL CULTURAL HERITAGE	10
4.2	UNEXPECTED FINDS PROCEDURE 2: HISTORIC HERITAGE	11
4.3	UNEXPECTED FINDS PROCEDURE 3: DISCOVERY OF HUMAN REMAINS	12
5.	REFERENCES	13

APPENDIX A CONSULTATION

LIST OF TABLES

TABLE 2.1	COMMONWEALTH LEGISLATION	2
TABLE 2.2	NSW LEGISLATION	2

ACRONYMS AND ABBREVIATIONS

Acronym	Description
ACHAR	Aboriginal Cultural Heritage Assessment Report
ACHMP	Aboriginal Cultural Heritage Management Plan
AHIP	Aboriginal Heritage Impact Permit
ATSIHP Act	<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i>
CEMP	Construction Environment Management Plan
ENGIE	ENGIE Australia and New Zealand
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
ERM	Environmental Resources Management Australia Pty Ltd
DPHI	Department of Planning, Housing and Infrastructure
Heritage Act	<i>Heritage Act 1977</i>
IHO	Interim Heritage Order
LALC	Local Aboriginal Land Council
NPW Act	<i>National Parks and Wildlife Act 1974</i>
NSW	New South Wales
RAPs	Registered Aboriginal Parties
SHR	Stage Heritage Register
SSD	State Significant Development
UFP	Unexpected Finds Procedure

ERM would like to acknowledge the Traditional Owners of the Hay region and pay respects to their Elders past, present, and emerging. We acknowledge and respect their Indigenous knowledge systems and recognise continuing connection to lands, waters, culture, and community.

1. INTRODUCTION

1.1 PURPOSE OF THIS UNEXPECTED HERITAGE FINDS PROCEDURE

Heritage within New South Wales (NSW) is protected under a range of legislative frameworks, and it is the responsibility of proponents of development to ensure compliance with this legislation.

This Unexpected Finds Procedure (UFP) for NSW has been developed for ENGIE Australia and New Zealand (ENGIE), as a procedure to inform users how to manage heritage items that are unexpectedly discovered during works in NSW by both ENGIE employees and contractors on behalf of ENGIE. This procedure has been developed to address compliance to state frameworks including:

- *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth);
- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Commonwealth);
- *NSW National Parks and Wildlife Act 1974* (NSW);
- *Native Title Act 1994* (NSW);
- *Aboriginal Land Rights Act 1983* (NSW);
- *Heritage Act 1977* (NSW); and
- *NSW Environmental Planning and Assessment Act 1979* (EP&A Act).

This UFP includes project activities for The Plains Wind Farm and associated Transport Route undertaken under the EP&A Act (within NSW).

1.2 SCOPE

The primary purpose of this UFP is to inform ENGIE employees and contractors about the potential for the discovery of heritage items and the protocol that should be followed in the event of any unexpected finds.

This UFP will:

- Set out steps to be taken and chain of notification to follow for Aboriginal cultural heritage, historic heritage, and human remains;
- Provide detailed management options around site protection; and
- Outline requirements for site recording and communication with regulatory authorities.

This UFP may be updated when included as part of the Aboriginal Cultural Heritage Management Plan (ACHMP).

1.3 CONSULTATION

The draft UFP was provided to Heritage NSW and registered Aboriginal parties (RAPs) on 19 December 2024, via email (emails provided in Appendix A). One email was received from Heritage NSW with two suggested changes for Section 3.1.1 and Section 4.1, which were addressed in version 3 of the UFP report. Each of the RAPs were provided 28 days to comment on the draft report and any recommended management and mitigation measures, prior to finalization were requested. Three emails were received from RAPs during the review period. One email notified ERM of the new contact for Southern West Yiradyuri Clans, Land, Water and Sky Country Aboriginal Corporation, the second email received from Yarkuwa Indigenous Knowledge Centre Aboriginal Corporation agreed with the draft document, and the third emailed acknowledged receipt of the documents (Appendix A).

2. LEGISLATIVE CONTEXT

NSW land managed or impacted by activity within the remit of ENGIE will be affected by a number of statutory controls for the planning and management of heritage and archaeological resources. *Table 2.1* summarises relevant Commonwealth legislation, while *Table 2.2* summarises the key NSW legislation for heritage management.

TABLE 2.1 COMMONWEALTH LEGISLATION

COMMONWEALTH LEGISLATION	
Legislation	Description
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	The <i>Environment Protection and Biodiversity Conservation Act 1999</i> (EPBC Act; as amended 2004) provides the framework for the Commonwealth Government's environmental legislation. The EPBC Act outlines a legal framework for the protection and management of nationally and internationally important flora, fauna, ecological communities and heritage places. Several heritage listings were established under the EPBC Act including the Commonwealth Heritage List, National Heritage List, and Register of National Estate (now repealed).
<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i>	<p>The <i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i> (ATSIHP Act) assists in the protection of places, areas, and objects that 'are of particular significance to Aboriginals in accordance with Aboriginal tradition'.</p> <p>The ATSIHP Act is designed to deal with Aboriginal cultural property (intangible heritage), which are not currently protected under the NSW <i>National Parks and Wildlife Act 1974</i> (NPW Act).</p> <p>The Commonwealth Minister can make declarations to protect these areas and objects from specific threats of injury or desecration. The responsible Minister may make a declaration under Section 10 of the ATSIHP Act in situations where state or territory laws do not provide adequate protection of intangible heritage.</p> <p>While no formal database of Section 10 applications or declarations is publicly available, this information is registered in gazettal notices within the Federal Register of Legislation.</p>

TABLE 2.2 NSW LEGISLATION

NSW LEGISLATION	
Legislation	Description
<i>NSW Environmental Planning and Assessment Act 1979</i>	<p>The EP&A Act regulates a system of environmental planning and assessment for NSW. Land use planning requires that environmental impacts, including those on cultural heritage, must be considered when making decisions about the future of a place.</p> <p>As the Project involves development for the purpose of "electricity generating works" using wind power and will have an estimated development cost of more than \$30 million, the Project is State Significant Development (SSD) and subject to the planning assessment pathway under Part 4 of the EP&A Act. Sections 4.41 and 4.42 of the EP&A Act outline authorisations that are not applicable to SSDs.</p>

NSW LEGISLATION

<p><i>NSW National Parks and Wildlife Act 1974</i></p>	<p>Part 6 of the NPW Act provides specific protection for Aboriginal objects and places by making it an offence to destroy, deface, damage, or move them from the land. All Aboriginal objects within NSW are protected under Part 6, and particularly Section 90, of the NPW Act. Under Section 5 of the NPW Act, "Aboriginal Object" means any deposit, object, or material evidence (not being a handicraft made for sale) relating to the Indigenous habitation of the area that comprises NSW, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains. Under Section 86 of the NPW Act, a person who, without first obtaining the consent of the Director-General, knowingly harms or desecrates an Aboriginal object or Aboriginal place is guilty of an offence. In most circumstances, it is required that an Aboriginal Heritage Impact Permit (AHIP) be obtained for any impact to an Aboriginal object or place. Heritage NSW is the responsible authority, with the Director General of that department the consent authority. As an SDD, an AHIP under Section 90 of the NPW Act is not required for the Project (in accordance with Section 4.41 of the EP&A Act).</p> <p>Sites of traditional significance that do not necessarily contain archaeological materials may be gazetted as 'Aboriginal places' and are protected under Section 84 of the NPW Act. This protection applies to all sites, regardless of their significance or land tenure.</p>
<p><i>Heritage Act 1977</i></p>	<p>The <i>Heritage Act 1977</i> (Heritage Act) protects the cultural and natural history of NSW with emphasis on historic (non-Aboriginal) heritage items, including places, buildings, works, relics, moveable objects, precincts, historic shipwrecks, and archaeological sites of State or local significance. Protection is provided through provisions of the Heritage Act and the establishment of a Heritage Council and State Heritage Register (SHR).</p> <p>The SHR is maintained by Heritage NSW and includes a diverse range of over 1,500 items, in both private and public ownership. To be listed, an item must be deemed to be of heritage significance for the whole of NSW. Listing on the SHR controls activities such as alteration, damage, demolition, and development. When a place is listed on the SHR, the approval of the Heritage Council of NSW is required or any major work. The Heritage Council is empowered to place Interim Heritage Orders (IHO) on an item of potential state significance.</p> <p>As an SDD, an approval under Part 4 or an excavation permit under Section 139 of the Heritage Act is not required for the Project (in accordance with Section 4.41 of the EP&A Act). Division 8 of Part 6 of the Heritage Act does not apply to prevent or interfere with the carrying out of SSD.</p>

2.1 ABORIGINAL CULTURAL HERITAGE

Aboriginal cultural heritage is protected under the EPBC Act, ATSIHP Act, and NPW Act. Under State and Commonwealth legislation it is the obligation of the proponent of development to avoid or mitigate the risk of harm to Aboriginal cultural heritage.

Section 5 of the NPW Act defines Aboriginal objects (Aboriginal cultural heritage) 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.

Examples of Aboriginal objects include stone tools, shell middens, axe grinding grooves, pigment or engraved rock art, burials, and culturally modified trees. All Aboriginal objects are protected under law, regardless of their significance. Section 89 of the NPW Act stipulates that when a person becomes aware of an Aboriginal object, they must notify the Department of Premier and Cabinet Secretary about its location.

2.1.1 ABORIGINAL CULTURAL HERITAGE PROTECTION AND MANAGEMENT PATHWAY

A number of methods can be used to determine and manage the protection of Aboriginal cultural heritage in NSW. These can include the following:

- Aboriginal Due Diligence Assessment (ADDA);
- Aboriginal Cultural Heritage Assessment Report (ACHAR); and
- Aboriginal Cultural Heritage Management Plan (ACHMP).

A qualified heritage professional should be consulted to determine the requirements for any of the above protection and management measures. Further information on each of these methodologies can be found on the Environment and Heritage website below:

[Heritage | Environment and Heritage \(nsw.gov.au\)](https://www.environment.nsw.gov.au/heritage)

Any unexpected heritage finds revealed during project activities for The Plains Wind Farm and associated Transport Route will be managed through the approved ACHMP.

STATUTORY REQUIREMENTS OF THE UFP

A UFP cannot be used in place of, or in the absence of, an ACHAR should there be a mandatory requirement for an ACHAR to be prepared under the NPW Act. A voluntary ACHAR may be prepared should the risk of harming heritage be considered likely by the proposed activity. It must be noted that harm to cultural heritage, known or unknown, is an offence under section 86 'Harming or desecrating Aboriginal objects and Aboriginal Places', of the NPW Act.

ENGIE is responsible for any risk associated with potential harm to unknown Aboriginal cultural heritage within any proposed works areas.

This UFP can be used for the management of unidentified heritage items that may be discovered during ENGIE project works.

2.2 HISTORIC HERITAGE

Historic heritage is protected under the Heritage Act. Historic heritage items can comprise of the following:

- Archaeological 'relics';
- Built heritage;
- Archaeological places; and
- Underwater heritage (shipwreck or aircraft crash sites).

Historic heritage pertains to non-Aboriginal features such as works, structures, buildings, or moveable objects. They may pertain to the earliest non-Aboriginal visitation and settlement in NSW and contact between Aboriginal and non-Aboriginal people. These are diverse heritage resource sites that contain evidence of past domestic, industrial, or agricultural activities, such as (as they may relate to the Project area):

- The establishment and growth of towns and settlements;
- Evidence of early pastoral and agricultural land use;
- Evidence of early mining;
- Sites of early industry, like sawmills and dairies;
- Linear infrastructure such as road, bridges, and rail;
- Former commercial sites like hotels, general stores, dentists, haberdasheries, and furniture stores; and
- Former residential sites such as homesteads, cottages, and outbuildings.

2.2.1 HISTORICAL ARCHAEOLOGICAL RELICS

The Heritage Act protects historical heritage items, meaning places, buildings, works, relics, moveable objects, or precincts. In Section 4, the Heritage Act defines relics as:

any deposit, artefact, object or material evidence that –

(a) relates to the settlement of an area that comprises New South Wales, not being Aboriginal settlement, and

(b) is of State or local heritage significance.

A historical archaeological site is a place that contains buried evidence and provides information about past activity and requires archaeological methods to reveal information about the place and isn't associated only with Aboriginal use.

Historical archaeological sites might include features like:

- Building foundations or post holes;
- Buried items like old bottles, ceramics, clay pipes, toys; and
- Kitchen scraps like bones or shells.

Heritage registers include known historic archaeological sites in NSW; however, many archaeological sites have not yet been discovered or recorded.

2.2.2 HISTORIC HERITAGE PROTECTION AND MANAGEMENT PATHWAYS

The Heritage Council of NSW maintains a database of the state significant heritage places that are protected under state law, while local heritage is managed by local government. Local heritage must also be considered when preparing a plan of works. The management of these properties/historic heritage sites may include the following measures:

- Historic Heritage Due Diligences;
- Statement of Heritage Impact;
- Historical Archaeological Impact Assessment;
- Archaeological Management Plans; and
- Conservation Management Plans.

A qualified heritage professional should be consulted regarding the requirements for any of the above protection and management measures. Further information on the management of historic heritage can be found on the Environment and Heritage website below:

[Heritage | Environment and Heritage \(nsw.gov.au\)](https://www.environment.nsw.gov.au/heritage)

2.2.3 STATUTORY REQUIREMENTS OF THE UFP

ENGIE is responsible for understanding the requirements associated with the discovery of unknown historical archaeology within the proposed works area.

3. TYPES OF UNEXPECTED HERITAGE ITEMS AND THEIR LEGAL PROTECTION – DETAILED PROCEDURES

The NSW UFP applies to three types of discoveries:

- Aboriginal objects.
- Historic (non-Aboriginal) heritage items.
- Human skeletal remains.

The specific applicable procedure for each type of discovery is outlined below.

3.1 ABORIGINAL CULTURAL HERITAGE

To date, a total of 180 valid Aboriginal heritage sites are recorded within the Wind Farm Project area. No sites have been recorded within the Hay component of the Transport Route, and no sites have been recorded within the Broken Hill component of the Transport Route.

This UFP relates to those areas outside of the extents of the previously identified sites within the Wind Farm and Transport Route Project areas. As such, should suspected Aboriginal cultural heritage sites or materials be discovered in areas outside of previously registered site extents, these would be defined as unexpected finds.

3.1.1 DISCOVERY

If any suspected Aboriginal cultural heritage sites or materials (or suspected sites or materials) are discovered during earthworks, development operations or similar activities within the Project area, the following procedure is to be followed:

- Stop work – any person that observes or uncovers potential Aboriginal heritage objects during the works must notify machinery operators immediately. All activity in the immediate area should cease;
- Protect the site – the location should be cordoned off as an exclusion zone with visible flagging, so that no further disturbance occurs. Flagging should be placed at a 10 m radius surrounding the find;
- *If suspected Human Remains are located:* Any sand/soils removed must be identified and set aside for assessment by the investigating authorities;
- Notify Heritage NSW immediately. The relevant Local Aboriginal Land Council (LALC) for the area (being Hay LALC and Deniliquin LALC for the Wind Farm Project) and any other relevant RAPs should be notified and consulted, as well as an appropriately qualified heritage professional (archaeologist) if required;

NOTE: if the find is suspected to be Human Remains the Project Manager or Project Director will contact the State Police who may then take control of the site and any further investigation (refer to Section 3.3).

- Assess the find - a heritage professional should record the location, nature, and extent of the site and determine its significance; and
- Record/salvage the find - a management plan should be developed for the find, that is subject to consultation and approval from the local LALC and RAPs. This procedure should be submitted to Department of Planning, Housing and Infrastructure (DPHI) for approval in consultation with Heritage NSW prior to completion of any proposed management or mitigation measures being undertaken.

3.1.2 NOTIFICATION

- All ENGIE project team members (including contractors) must notify an ENGIE Environment team member upon their discovery of any suspected Aboriginal cultural heritage, including human remains;
- Refer to *Section 4* for further guidance on notification process.

3.1.3 RESUMPTION OF WORKS

- Works will only recommence once the management procedure has been completed and approved by DPHI; and
- For suspected Human Remains: refer to *Section 3.3*.

3.2 HISTORIC HERITAGE

To date, no historic heritage items have been identified within the Wind Farm and Transport Route Project areas. The historical archaeological potential of the Wind Farm Project area was assessed as low.

3.2.1 DISCOVERY

If any suspected historical archaeology is uncovered or identified:

- Stop work – any person that observes or uncovers potential historic heritage objects during the works must notify machinery operators immediately. All activity in the immediate area should cease;
- The 'stop works' area around the suspected historic must be fenced off using appropriate temporary fencing and protected from further disturbance; "no-go zone" signage must be attached to the fencing at all times to prevent the area being disturbed further;
- Contact an appropriately qualified heritage professional (archaeologist) to assess the find;
- Complete a preliminary assessment and recording of the find – should the item be identified as a relic or heritage item, the archaeologist should formally record the finds. Heritage NSW would be notified via telephone informally at this stage;
- An archaeological or heritage management plan should be prepared by the archaeologist in consultation with Heritage NSW;
- A formal notification will be prepared at this stage and submitted to Heritage NSW along with the archaeological or heritage management plan and a site recording form, if required; and
- The archaeological or heritage management plan should be modified according to advice from Heritage NSW and DPHI. The plan will then be implemented. Where impact to the heritage item is expected, implementation of the plan may include formal assessment of significance and heritage impact assessment, preparation of excavation, or obtaining further heritage approvals.

3.2.2 NOTIFICATION

- All ENGIE project team members (including contractors) must notify an ENGIE Environment team member upon their discovery of any suspected historic heritage items.

3.2.3 RESUMPTION OF WORKS

- The Construction Environment Management Plan (CEMP) will be updated according to advice within the final heritage management plan, if required. Changes should be included in site inductions and toolbox talks; and
- Resumption of works will take place once written clearance is provided by the archaeologist and Heritage NSW, if required.

3.3 HUMAN REMAINS

The below procedure for the handling of human remains follows the content and processes outlined in Transport for NSW's *Unexpected Heritage Finds and Human remains Procedure* (Transport NSW 2022). The procedure follows in accordance with CoA E61, CoA E62, the *Skeletal Remains – Guidelines for the Management of Human Skeletal Remains under the Heritage Act 1977* (NSW Heritage Office 1998) and the *Aboriginal Cultural Heritage Standards and Guidelines Kit* (NPWS 1997).

3.3.1 DISCOVERY

- Stop work – any person that observes or uncovers potential human remains during the works must notify machinery operators immediately. All activity in the immediate area should cease;
- The 'stop works' area around the suspected human remains must be fenced off using appropriate temporary fencing and protected from further disturbance; "no-go zone" signage must be attached to the fencing at all times to prevent the area being disturbed further;
- Any sand/soils removed must be identified and set aside for assessment by the investigating authorities;
- A suitably qualified forensic or physical anthropologist must identify the bones as human or non-human as soon as possible; and
- An archaeologist should assess the bones, their likely ancestry (Aboriginal or non-Aboriginal), and the burial context (archaeological or forensic).

3.3.2 NOTIFICATION

- If the bones are confirmed as human remains, contact NSW Police immediately. The remains are presumed associated with a potential crime until confirmed otherwise; and
- Notify Heritage NSW when human remains are found.

3.3.3 PROJECT REDESIGN OR RESUMPTION OF WORKS

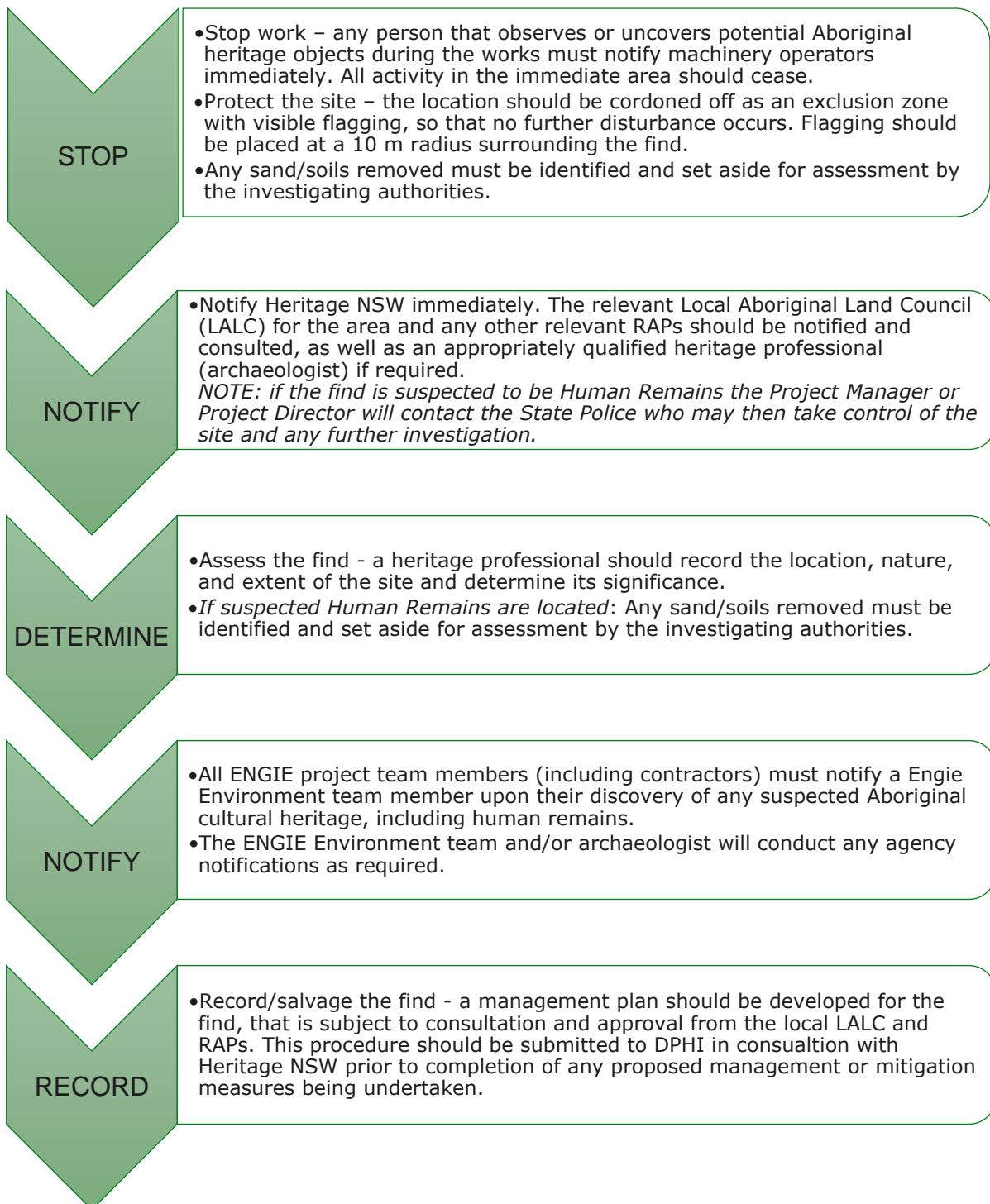
- Once the bones are identified, provide results to Heritage NSW and RAPs if identified as Aboriginal. Consultation must continue until a management plan is finalised;
- Due to the highly significant nature of Aboriginal Ancestral Remains, avoidance is recommended; consideration should be made for conservation through project redesign; and
- Should project redesign not be considered possible, a written request to resume works should be provided to Heritage NSW and the RAPs. Works may only resume if written clearance is provided by the archaeologist, Heritage NSW, and RAPs.

4. PROCEDURE SUMMARY GUIDES

The following procedural overviews provide flowchart plans for the unexpected discovery of Aboriginal cultural heritage, historic heritage, and human remains in NSW.

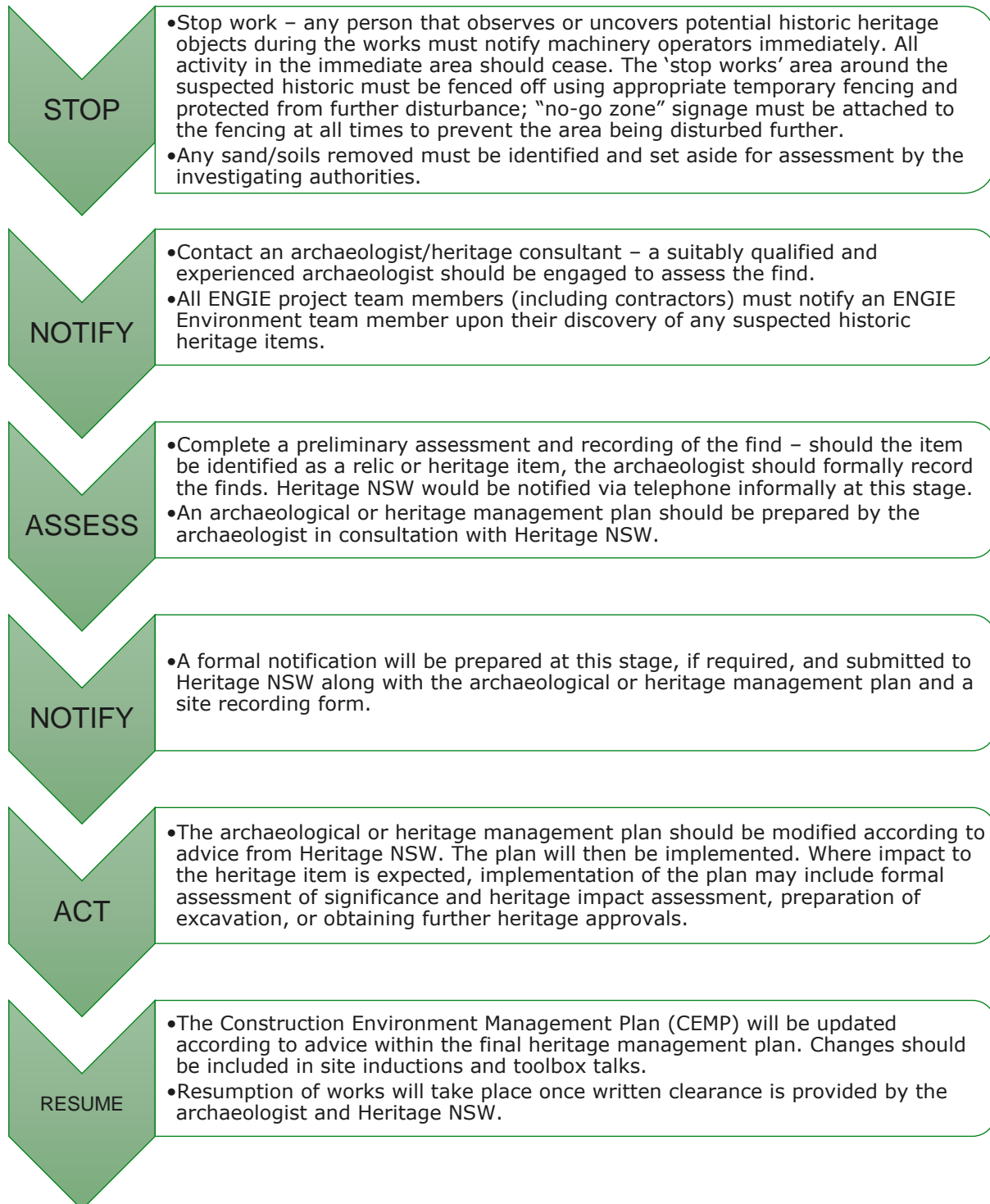
These are quick reference, user-friendly flow diagrams that summarise the information in this UFP, to be used by ENGIE project staff and their contractors.

4.1 UNEXPECTED FINDS PROCEDURE 1: DISCOVERY OF ABORIGINAL CULTURAL HERITAGE

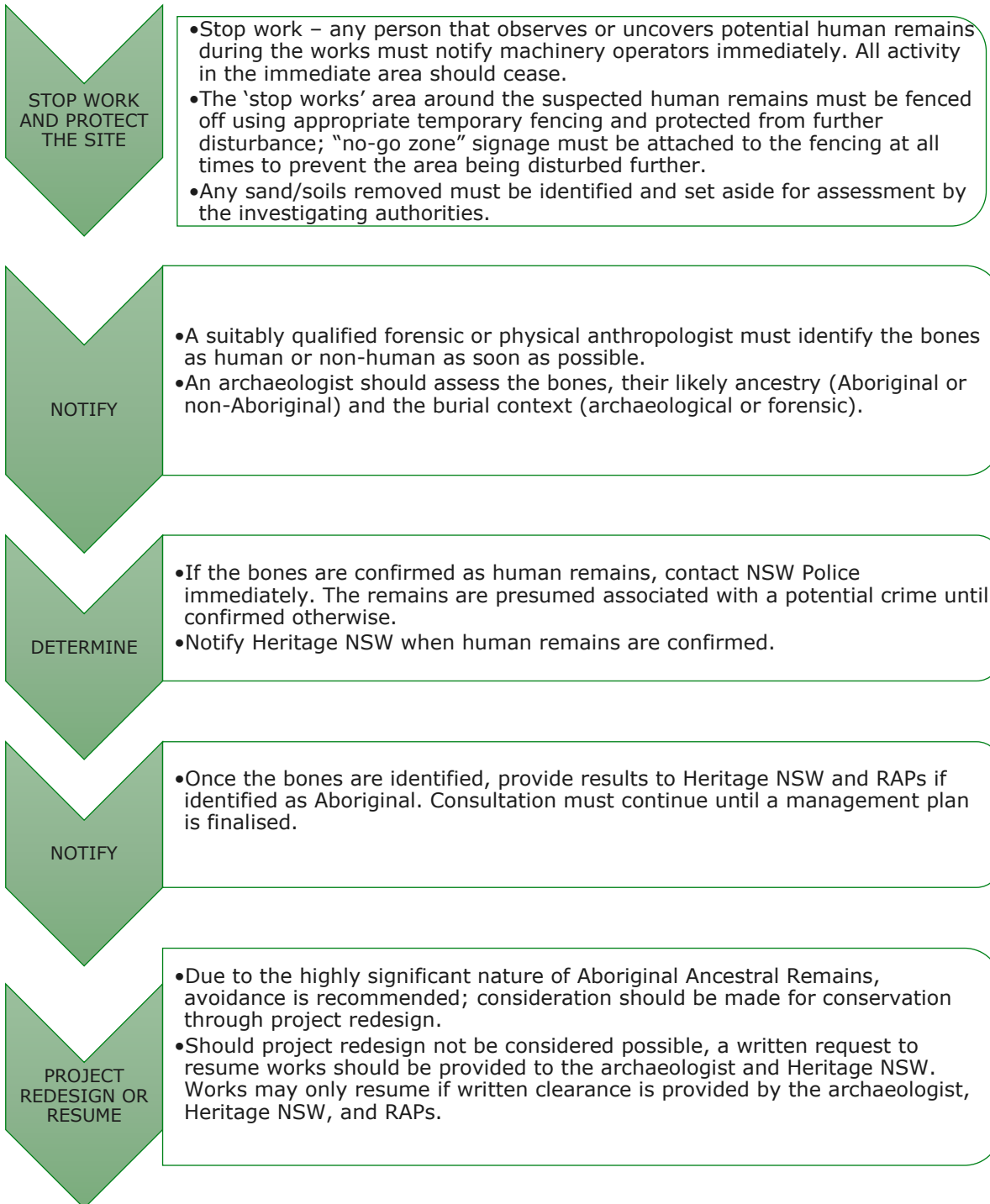


4.2 UNEXPECTED FINDS PROCEDURE 2: HISTORIC HERITAGE

In the event of the suspected discovery of historic heritage during ENGIE activities, these steps must be followed:



4.3 UNEXPECTED FINDS PROCEDURE 3: DISCOVERY OF HUMAN REMAINS



5. REFERENCES

National Parks and Wildlife Service NSW (1997) Aboriginal Cultural Heritage Standards and Guidelines Kit.

NSW Heritage Office (1998) Skeletal remains – Guidelines for the Management of Human Skeletal Remains under the Heritage Act 1977.

Office of Environment and Heritage (2010a) Aboriginal cultural heritage consultation requirement for proponents.

Office of Environment and Heritage (2010b) Code of practice for the archaeological investigation of Aboriginal objects in NSW.

Office of Environment and Heritage (2011) Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW.

The Government of NSW 1974, National Parks and Wildlife Act 1974 No 80.

The Government of NSW 1977, Heritage Act 1977 No 136.

Transport for NSW (2022) Unexpected Heritage Finds and Human Remains Procedure – M1 Pacific Motorway Extension to Raymond Terrace.



ERM

APPENDIX A CONSULTATION

CONSULTATION LOG – POTTINGER WIND FARM – UNEXPECTED FINDS PROCEDURE

Date	Method	Addressee	Organisation	Sender	Sender Organisation	Details
Issuing Draft UFP to RAPs						
18/12/2024	Email	[REDACTED]	-	Victoria Gleeson	ERM	Victoria issued Draft Wind and Solar Farm Unexpected Finds Procedures, with close of response period 15 January 2025.
18/12/2024	Email	[REDACTED]	-	Victoria Gleeson	ERM	Victoria issued Draft Wind and Solar Farm Unexpected Finds Procedures, with close of response period 15 January 2025.
18/12/2024	Email	[REDACTED]	Yarkuwa IKC	Victoria Gleeson	ERM	Victoria issued Draft Wind and Solar Farm Unexpected Finds Procedures, with close of response period 15 January 2025.
18/12/2024	Email	[REDACTED]	Bangerang ACCH	Victoria Gleeson	ERM	Victoria issued Draft Wind and Solar Farm Unexpected Finds Procedures, with close of response period 15 January 2025.
18/12/2024	Email	[REDACTED]	Hay Local Aboriginal Land Council	Victoria Gleeson	ERM	Victoria issued Draft Wind and Solar Farm Unexpected Finds Procedures, with close of response period 15 January 2025.
18/12/2024	Email	[REDACTED]	Wakool Indigenous Corporation	Victoria Gleeson	ERM	Victoria issued Draft Wind and Solar Farm Unexpected Finds Procedures, with close of response period 15 January 2025.
18/12/2024	Email	[REDACTED]	Deniliquin Local Aboriginal Land Council	Victoria Gleeson	ERM	Victoria issued Draft Wind and Solar Farm Unexpected Finds Procedures, with close of response period 15 January 2025.
18/12/2024	Email	[REDACTED]	[REDACTED] Family Aboriginal Corporation	Victoria Gleeson	ERM	Victoria issued Draft Wind and Solar Farm Unexpected Finds Procedures, with close of response period 15 January 2025.
18/12/2024	Email	[REDACTED]	Southern West Yiradyuri Clans, Land, Water and Sky Country Aboriginal Corporation	Victoria Gleeson	ERM	Victoria issued Draft Wind and Solar Farm Unexpected Finds Procedures, with close of response period 15 January 2025.
18/12/2024	Email	[REDACTED]	-	Victoria Gleeson	ERM	Victoria issued Draft Wind and Solar Farm Unexpected Finds Procedures, with close of response period 15 January 2025.
18/12/2024	Email	[REDACTED]	Corroboree Aboriginal Corporation	Victoria Gleeson	ERM	Victoria issued Draft Wind Farm Unexpected Finds Procedure, with close of response period 15 January 2025.
18/12/2024	Email	[REDACTED]	-	Victoria Gleeson	ERM	Victoria issued Draft Wind Farm Unexpected Finds Procedure, with close of response period 15 January 2025.
18/12/2024	Email	[REDACTED]	-	Victoria Gleeson	ERM	Victoria issued Draft Wind Farm Unexpected Finds Procedure, with close of response period 15 January 2025.
18/12/2024	Email	[REDACTED]	Broken Hill Local Aboriginal Land Council	Victoria Gleeson	ERM	Victoria issued Draft Wind Farm Unexpected Finds Procedure, with close of response period 15 January 2025.
18/12/2024	Email	[REDACTED]	Menindee Aboriginal Elders Council	Victoria Gleeson	ERM	Victoria issued Draft Wind Farm Unexpected Finds Procedure, with close of response period 15 January 2025.

Date	Method	Addressee	Organisation	Sender	Sender Organisation	Details
18/12/2024	Email	██████	Barkandji Native Title Group Aboriginal Corporation RNTBC	Victoria Gleeson	ERM	Victoria issued Draft Wind Farm Unexpected Finds Procedure, with close of response period 15 January 2025.
19/12/2024	Email	██████████████	Hay Aboriginal Working Party	Victoria Gleeson	ERM	Victoria issued Draft Wind and Solar Farm Unexpected Finds Procedures, with close of response period 16 January 2025.
Issuing Draft UFP to Heritage NSW						
18/12/2024	Email	████████████████████ ████████████████████ ████████████████████	Heritage NSW	Victoria Gleeson	ERM	Victoria issued Draft Unexpected Finds Procedures (Wind & Solar) to Heritage NSW and requested feedback.
Comments on Draft Report						
18/12/2024	Email	Victoria Gleeson	ERM	██████████	-	██████████ acknowledged report had been received.
19/12/2024	Email	Victoria Gleeson	ERM	██████████████████ & Heritage Team	Southern West Yiradyuri Clans, Land, Water and Sky Country Aboriginal Corporation	Will responded and advised that ██████████ and the Heritage Team would be the contacts going forward. Victoria responded and provided both email addresses with access to documents
13/01/2025	Email	Victoria Gleeson	ERM	██████████ - Senior Assessment Officer	Heritage NSW	██████████ acknowledged the report had been received by Heritage NSW. He made two suggested changes for Section 3.1.1 and Section 4.1, which were addressed in version 3 of the UFP report.
15/01/2025	Email	Victoria Gleeson	ERM	██████████	Yarkuwa AC	██████████ from Yarkuwa responded the 15 January 2025 agreeing with draft UFP document.

The Plains Wind Farm - Draft Unexpected Finds Procedure

From Victoria Gleeson [REDACTED]

Date Wed 18/12/2024 3:27 PM

To [REDACTED]

📎 1 attachment (1 MB)

0667692_The Plains_Wind_UFP V2.pdf;

Good afternoon [REDACTED]

As a registered RAP for The Plains Wind Farm Transport Route Project, we are contacting you to let you know that an Unexpected Finds Procedure is being prepared as part of the Response to Submissions for the Wind Farm Project.

Please find attached a copy of the Draft Wind Farm Unexpected Finds Procedure for your review. We request that any feedback is provided by **15 January 2025**.

If you have any queries, please let me know.

On behalf of the Heritage Team at ERM, we hope you have a Merry Christmas & Happy New Year!

Many thanks,



ERM

Sustainability is our business

Victoria Gleeson

Managing Consultant

Newcastle

erm.com

[REDACTED]
+61 2 4903 5500

At ERM we work flexibly. There may be times that I'm sending an email out of hours because it suits me to do so. I don't expect you to read, action or respond out of your own working hours.

The Plains Wind Farm - Draft Unexpected Finds Procedure

From Victoria Gleeson [REDACTED]

Date Wed 18/12/2024 3:27 PM

To [REDACTED]

📎 1 attachment (1 MB)

0667692_The Plains_Wind_UFP V2.pdf;

Good afternoon [REDACTED]

As a registered RAP for The Plains Wind Farm Transport Route Project, we are contacting you to let you know that an Unexpected Finds Procedure is being prepared as part of the Response to Submissions for the Wind Farm Project.

Please find attached a copy of the Draft Wind Farm Unexpected Finds Procedure for your review. We request that any feedback is provided by **15 January 2025**.

If you have any queries, please let me know.

On behalf of the Heritage Team at ERM, we hope you have a Merry Christmas & Happy New Year!

Many thanks,



ERM

Sustainability is our business

Victoria Gleeson

Managing Consultant

Newcastle

erm.com

[REDACTED]
+61 2 4903 5500

At ERM we work flexibly. There may be times that I'm sending an email out of hours because it suits me to do so. I don't expect you to read, action or respond out of your own working hours.

The Plains Wind Farm - Draft Unexpected Finds Procedure

From Victoria Gleeson [REDACTED]
Date Wed 18/12/2024 3:27 PM
To [REDACTED]

📎 1 attachment (1 MB)
0667692_The Plains_Wind_UFP V2.pdf;

Good afternoon Amanda,

As a registered RAP for The Plains Wind Farm Transport Route Project, we are contacting you to let you know that an Unexpected Finds Procedure is being prepared as part of the Response to Submissions for the Wind Farm Project.

Please find attached a copy of the Draft Wind Farm Unexpected Finds Procedure for your review. We request that any feedback is provided by **15 January 2025**.

If you have any queries, please let me know.

On behalf of the Heritage Team at ERM, we hope you have a Merry Christmas & Happy New Year!

Many thanks,



ERM

Sustainability is our business

Victoria Gleeson
Managing Consultant

Newcastle

erm.com

[REDACTED]
+61 2 4903 5500

At ERM we work flexibly. There may be times that I'm sending an email out of hours because it suits me to do so. I don't expect you to read, action or respond out of your own working hours.

The Plains Wind Farm - Draft Unexpected Finds Procedure

From Victoria Gleeson [REDACTED]

Date Wed 18/12/2024 3:26 PM

To [REDACTED]

📎 1 attachment (1 MB)

0667692_The Plains_Wind_UFP V2.pdf;

Good afternoon [REDACTED]

As a registered RAP for The Plains Wind Farm Transport Route Project, we are contacting you to let you know that an Unexpected Finds Procedure is being prepared as part of the Response to Submissions for the Wind Farm Project.

Please find attached a copy of the Draft Wind Farm Unexpected Finds Procedure for your review. We request that any feedback is provided by **15 January 2025**.

If you have any queries, please let me know.

On behalf of the Heritage Team at ERM, we hope you have a Merry Christmas & Happy New Year!

Many thanks,



ERM

Sustainability is our business

Victoria Gleeson

Managing Consultant

Newcastle

erm.com

[REDACTED]
+61 2 4903 5500

At ERM we work flexibly. There may be times that I'm sending an email out of hours because it suits me to do so. I don't expect you to read, action or respond out of your own working hours.

The Plains Wind Farm - Draft Unexpected Finds Procedure

From Victoria Gleeson [REDACTED]

Date Wed 18/12/2024 3:27 PM

To [REDACTED]

📎 1 attachment (1 MB)

0667692_The Plains_Wind_UFP V2.pdf;

Good afternoon [REDACTED]

As a registered RAP for The Plains Wind Farm Transport Route Project, we are contacting you to let you know that an Unexpected Finds Procedure is being prepared as part of the Response to Submissions for the Wind Farm Project.

Please find attached a copy of the Draft Wind Farm Unexpected Finds Procedure for your review. We request that any feedback is provided by **15 January 2025**.

If you have any queries, please let me know.

On behalf of the Heritage Team at ERM, we hope you have a Merry Christmas & Happy New Year!

Many thanks,



Sustainability is our business

Victoria Gleeson

Managing Consultant

Newcastle

erm.com

[REDACTED]
+61 2 4903 5500

At ERM we work flexibly. There may be times that I'm sending an email out of hours because it suits me to do so. I don't expect you to read, action or respond out of your own working hours.

The Plains Wind Farm - Draft Unexpected Finds Procedure

From Victoria Gleeson [REDACTED]

Date Wed 18/12/2024 3:27 PM

To [REDACTED]

📎 1 attachment (1 MB)

0667692_The Plains_Wind_UFP V2.pdf;

Good afternoon [REDACTED]

As a registered RAP for The Plains Wind Farm Transport Route Project, we are contacting you to let you know that an Unexpected Finds Procedure is being prepared as part of the Response to Submissions for the Wind Farm Project.

Please find attached a copy of the Draft Wind Farm Unexpected Finds Procedure for your review. We request that any feedback is provided by **15 January 2025**.

If you have any queries, please let me know.

On behalf of the Heritage Team at ERM, we hope you have a Merry Christmas & Happy New Year!

Many thanks,



ERM

Sustainability is our business

Victoria Gleeson

Managing Consultant

Newcastle

erm.com

[REDACTED]
+61 2 4903 5500

At ERM we work flexibly. There may be times that I'm sending an email out of hours because it suits me to do so. I don't expect you to read, action or respond out of your own working hours.

The Plains Wind & Solar Farms - Draft Unexpected Finds Procedures

From Victoria Gleeson [REDACTED]

Date Wed 18/12/2024 3:29 PM

To [REDACTED]

Cc [REDACTED]

 2 attachments (2 MB)

0667692_The Plains_Wind_UFP V2.pdf; 0667692_The Plains_Solar_UFP V2.pdf;

Good afternoon [REDACTED]

I am reaching out to provide you with the Draft Unexpected Heritage Finds Procedures recently developed for The Plains Wind Farm & The Plains Solar Farm (attached). These were drafted in response to the Agency Advice Letter from Heritage NSW dated 3 June 2024, containing the following request:

6. A procedure for the management of unexpected Aboriginal objects and human remains must be developed in consultation with the RAPs and Heritage NSW. The procedure must be prepared in accordance with Heritage NSW guidelines and codes of practice.

Please note that this afternoon the Draft UFPs were issued to all registered RAPs for The Plains Solar Farm, The Plains Wind Farm, and associated transport route. The close of the 28-day review period will be 15 January 2025.

Should you have any feedback on the Draft UFP, could this please be provided prior to 15 January so that we can smoothly finalise our reports after RAP review?

I hope you have a Merry Christmas & Happy New Year!

Many thanks,
Victoria

RE: The Plains Wind & Solar Farms - Draft Unexpected Finds [REDACTED]

[REDACTED]
Date Mon 13/01/2025 1:05 PM

To Victoria Gleeson [REDACTED]

Cc [REDACTED]

Hi Victoria,

Thank you for your email, and for engaging with Heritage NSW with regard to the Draft Unexpected Heritage Finds Procedures for The Plains Wind Farm & The Plains Solar Farm (SSD-50629707 and SSD-51219280).

Heritage NSW policy with regard to documentation drafted in consultation with Registered Aboriginal Parties (RAPs) is to provide formal review following the completion of consultation, to ensure that we are able to assess the document taking into consideration any feedback provided by RAPs. As such we request that the procedures are resubmitted to Heritage NSW for review following the completion of consultation with RAPs.

I have completed a preliminary review of the Draft Unexpected Heritage Finds Procedures, and have noted one recommended update to assist ERM in finalising the documents as quickly as possible:

- Section 3.1.1: it is recommended that the following phrase '*...be submitted to Heritage NSW for approval by the Department of Planning, Housing and Infrastructure...*' be reworded to '*...be submitted to the Department of Planning, Housing and Infrastructure for approval in consultation with Heritage NSW...*'. This is to ensure there is clarity around the roles and responsibilities of government agencies in the process. Similar wording to this is also present under the 'Record' subheading in Section 4.1.

Noting that apart from differences in the project description the Unexpected Finds Procedure documents are largely identical, the above comment applies to both projects. These comments relate to the management of Aboriginal Cultural Heritage only.

I hope this assists, but please let me know if you have any queries.

Kind regards,

[REDACTED]

[REDACTED]

Senior Assessments Officer - Major Projects

Heritage NSW

**Department of Climate Change,
Energy, the Environment and Water**

[REDACTED]

[REDACTED]



I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

Please consider the environment before printing this email.

From: Victoria Gleeson [REDACTED]
Sent: Wednesday, 18 December 2024 3:29 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: The Plains Wind & Solar Farms - Draft Unexpected Finds Procedures

Good afternoon [REDACTED]

I am reaching out to provide you with the Draft Unexpected Heritage Finds Procedures recently developed for The Plains Wind Farm & The Plains Solar Farm (attached). These were drafted in response to the Agency Advice Letter from Heritage NSW dated 3 June 2024, containing the following request:

6. A procedure for the management of unexpected Aboriginal objects and human remains must be developed in consultation with the RAPs and Heritage NSW. The procedure must be prepared in accordance with Heritage NSW guidelines and codes of practice.

Please note that this afternoon the Draft UFPs were issued to all registered RAPs for The Plains Solar Farm, The Plains Wind Farm, and associated transport route. The close of the 28-day review period will be 15 January 2025.

Should you have any feedback on the Draft UFP, could this please be provided prior to 15 January so that we can smoothly finalise our reports after RAP review?

I hope you have a Merry Christmas & Happy New Year!

Many thanks,
Victoria

This e-mail and any attachments may contain proprietary, confidential and/or privileged information. No confidentiality or privilege is waived or lost by any transmission errors. This communication is intended solely for the intended recipient, and if you are not the intended recipient, please notify the sender immediately, delete it from your system and do not copy, distribute, disclose, or otherwise act upon any part of this email communication or its attachments. To find out how the ERM Group manages personal data please review our [Privacy Policy](#).

Re: The Plains Wind Farm - Draft Unexpected Finds Procedure

From [REDACTED]
Date Wed 18/12/2024 4:23 PM
To Victoria Gleeson [REDACTED]

EXTERNAL MESSAGE

Thank you document has been received. May you Xmas season be a safe and happy one.

[Yahoo Mail: Search, Organize, Conquer](#)

On Wed, Dec 18, 2024 at 3:28 PM, Victoria Gleeson
[REDACTED]

Good afternoon [REDACTED]

As a registered RAP for The Plains Wind Farm Transport Route Project, we are contacting you to let you know that an Unexpected Finds Procedure is being prepared as part of the Response to Submissions for the Wind Farm Project.

Please find attached a copy of the Draft Wind Farm Unexpected Finds Procedure for your review. We request that any feedback is provided by **15 January 2025**.

If you have any queries, please let me know.

On behalf of the Heritage Team at ERM, we hope you have a Merry Christmas & Happy New Year!

Many thanks,



ERM

Sustainability is our business

Victoria Gleeson
Managing Consultant

Newcastle

erm.com

[REDACTED]
+61 2 4903 5500

At ERM we work flexibly. There may be times that I'm sending an email out of hours because it suits me to do so. I don't expect you to read, action or respond out of your own working hours.



ERM

ERM HAS OVER 160 OFFICES ACROSS THE FOLLOWING COUNTRIES AND TERRITORIES WORLDWIDE

Argentina	The Netherlands
Australia	New Zealand
Belgium	Peru
Brazil	Poland
Canada	Portugal
China	Romania
Colombia	Senegal
France	Singapore
Germany	South Africa
Ghana	South Korea
Guyana	Spain
Hong Kong	Switzerland
India	Taiwan
Indonesia	Tanzania
Ireland	Thailand
Italy	UAE
Japan	UK
Kazakhstan	US
Kenya	Vietnam
Malaysia	
Mexico	
Mozambique	

ERM's Sydney Office
Level 14 207 Kent Street
Sydney NSW 2000

T: +61 2 8584 8888

www.erm.com