

Solar PV Projects

# Suntop Solar Farm

## Cultural Heritage Management Plan

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# 1 INTRODUCTION

## 1.1 Purpose

The purpose of this Cultural Heritage Management Plan (CHMP) is to provide a strategy to control construction activities that may have an impact on items and locations of Indigenous Australian and European cultural significance during the Solar Farm project.

This Cultural Heritage Management Plan shall be read in conjunction with the *PL-EV-01 Project Environmental Management Plan*.

## 1.2 Document Responsibilities

Responsibility	Role
Development	HSE Coordinator
Review	Approvals and Systems Manager
Approval	Project Director

Any person may request updating of this Plan.

## 1.3 Document Amendment and Distribution

This document shall be reviewed as follows:

- As requested by Management Review
- When there is a change of method and/or technology that may affect the accuracy of this document; or
- When there has been a significant event to which this document was relevant; or
- As a result of a non-conformance resulting from an audit

Document amendments and distribution will be conducted as per detailed in the *PL-CO-01 Project Management Plan* and the *PL-QA-02 Records Management Plan*.

New and amended documentation issued after the initial approval and distribution of this plan to controlled copy holders shall be identified in the *FS-QA-RG-06 Document Control Register*. Revision details shall be recorded in the *Revision Status Section* of this plan.

All changes to documents shall be reviewed and approved by the same function that performed the original review and approval and as per the cover of this plan, unless specifically designated otherwise.

### 1.3.1 Revision Status

Revision	Revision Date	Issued Date	Nature of modification
0	2020/01/16	2020/01/16	Initial draft
1	2020/01/17	2020/01/16	Final for submission
2	2020/03/11	2020/03/11	Final for submission
3	2020/06/17	2020/06/17	Final for submission

## 2 DEFINITIONS

<b>BYCA</b>	Bouygues Construction Australia Pty Ltd
<b>EPBC</b>	Environment Protection and Biodiversity Conservation Act 1999
<b>EMP</b>	Environmental Management Plan (PL-EV-01)
<b>CHMP</b>	Cultural Heritage Management Plan (PL-EV-07)

## 3 ORGANISATION

### 3.1 *Responsibilities and Authorities*

The Project Organisational chart and overall roles and responsibilities are outlined in the EMP. The key responsibilities for Cultural Heritage Management are as follows:

#### 3.1.1 Project Manager

- Ensuring appropriate resources are available for the implementation of the CHMP

#### 3.1.2 General Superintendent

- Facilitating the access on site to the cultural heritage specialists in charge of assessing the presence of cultural heritage artefacts on site
- Ensuring all workers are familiar with the policy for Aboriginal participation, and that this policy is well implemented
- Identifying, analysing and treating the risks before commencing works each day and ensuring that the appropriate controls are implemented and effective; thus controls may be increased or decreased as required
- Making sure the cultural heritage department of the local council has been contacted and is aware of the works being undertaken
- Ensuring all workers on site are aware of the cultural heritage zones to protect
- Verifying the quality of the flagging (star pickets, signs) of the cultural heritage no-go zones

#### 3.1.3 HSE Coordinator

- Responsible for providing assistance and advice to the Project Engineers and Environmental Coordinators to fulfil the requirements of this Plan, assessing data from inspections, monitoring and reporting, and providing project-wide advice to ensure consistent approach and outcomes are achieved
- Contact the cultural heritage department prior to works
- Ensuring all areas have been given clearance by this service regarding the presence of possible cultural heritage artefacts

- The HSE Coordinator is also responsible for the review and update of this Plan

### 3.1.4 All Workers on Site

In relation to Cultural Heritage management, all workers on site are required to:

- Implement and maintain all applicable control measures
- Mentioning to the HSE coordinator all artefacts or possible artefacts they discover on site
- Flag and signal properly the cultural heritage no-go zones
- Respecting the cultural heritage no-go zones
- Complying with the policy for Aboriginal participation

### 3.1.5 Wellington LALC

- Wellington LALC will respond to all requests from the proponent within seven (7) business days unless otherwise notified by the LALC.

## 3.2 Legal Requirements

Aboriginal cultural heritage (places, sites and objects) in NSW are protected by the National Parks and Wildlife Act 1974, which is overseen by the Biodiversity and Conservation Division (BCD), of the Department of Planning, Industry and Environment (DPIE) (formerly Office of Environment and Heritage (OEH)) The Environmental Planning and Assessment Act (1979) is overseen by the Department of Planning and Environment, along with other environmental planning instruments, trigger the requirement for the investigation and assessment of Aboriginal cultural heritage as part of the development approval process.

The following Acts, Regulations and Standards are applicable to this Project:

#### NSW

- Environmental Planning & Assessment Act 1979
- Environmental Planning & Assessment Regulation 2000
- National Parks and Wildlife Act 1974
- National Parks and Wildlife Regulation 2009
- National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010
- Heritage Act 1977

#### Cth

- Environment Protection and Biodiversity Conservation Act 1999
- Native Title Act 1993

## 3.3 Contractual Requirements

BYCA have identified the most critical Environmental Contractual requirements for the project, these are:

#### Suntop

##### Discovery of Human Remains

- If human remains are discovered on site, then all work surrounding the area must cease, and the area must be secured. The Applicant must notify the NSW Police and BCD as soon as possible following the discovery, and work must not recommence in the area until this is authorized by BCD.

**Chance Finds Protocol**

- Prior to commencement of construction, the Applicant must prepare a Chance Finds Protocol for the development in consultation with the Aboriginal Stakeholders, and to the satisfaction of BCD. Following approval, the applicant must implement the Chance Finds Protocol.

**Operating Conditions**

- The Applicant must:
  - ensure the development does not cause any direct or indirect impact on the European Marker trees (shown in Appendix 1 of the DA); and
  - record any heritage items identified on the project site and submit the recorded information, consistent with Archival Recording requirements, to the Heritage Council of NSW.

## 4 COMPETENCE, TRAINING AND AWARENESS

As stated in the EMP all project personnel, subcontractors and consultants will receive training in the group and personal environmental obligations during the *Site Inductions* and *Toolbox Talks*. A training course will be designed in consultation with Wellington LALC for the workers to be able to identify Aboriginal site (i.e. artefacts, human remains ...).

Topics that will be covered under this training, which will be part of project induction and toolboxes include:

- Potential Heritage items around the site (Artefacts, Aboriginal remains)
- Reporting of heritage items to the Site Supervisor/HSE coordinator

## 5 CULTURAL HERITAGE MANAGEMENT

### 5.1 Objectives

#### 5.1.1 Indigenous Heritage

The environmental objectives with regard to the management of indigenous heritage during the construction phase are:

- Meet statutory obligations in relation to the management of indigenous heritage
- Implement where practicable the recommendations made by the indigenous groups of the area in relation to indigenous heritage management
- Minimise and manage impacts to the indigenous heritage environment through responsible heritage management
- Ensure changes to the biophysical environment do not adversely affect historical and cultural associations and comply with relevant indigenous heritage legislation
- Ensure emissions do not adversely affect environmental values or the health, welfare and amenity of people and land uses by meeting statutory requirements and acceptable standards

## 5.2 **Potential Environmental Impacts**

### 5.2.1 **Indigenous Heritage**

The potential impacts of the Project to indigenous heritage values during the construction phase are:

- Indirect contamination to indigenous heritage sites due to run-off, unintentional spills, erosion of contaminated soil and dust
- Indirect contamination to indigenous heritage sites due to contamination of groundwater and surface water flows as a result of clearing, spills, run-off and contamination
- Ground disturbance resulting in disturbance of known or unknown indigenous sites of significance
- Impact on indigenous landscape and cultural value

## 5.3 **Management and Contingency Mitigation Measures**

The following Cultural Heritage Management measures will be implemented:

- This CHMP will be implemented, revised and updated as required
- Report immediately to relevant authorities any incident that impacted or could impact the any indigenous or European heritage, as per the *PR-CO-04 Incident Management Procedure*
- Regular inspection of the works to ensure procedures and precautions are in place to minimise risk to human health and the environment
- Visual identification of any heritage sites within the Project area. Include a buffer around these sites to prevent any unnecessary access
- All personnel will be educated on the importance of indigenous and European heritage management and associated management measures as part of the induction program
- Implement any specific conditions applied to the Project by regulatory authorities
- No unauthorised disturbance of indigenous and/or European heritage sites that are within or near the Project area will be conducted

The success of management strategies will be reviewed on a regular basis to confirm its continued suitability for the site. Should the risk to the environment or to human health change during the construction period, management options will be reviewed.

## 6 **IDENTIFY AND ASSESS**

### 6.1 **Description of potential impacts to heritage items**

- Appendix 1 – Suntop Solar Farm

## 7 **IMPLEMENT CONTROLS**

### 7.1 **Cultural Heritage Management Control Measures**

Project mitigation and management measures for cultural heritage impacts during construction are outlined in the table below:

Table 1 - Cultural Heritage Mitigation Measures

Source/Reference		
Mitigation Measure	Responsibility	Timing
<b>Pre-Construction</b>		
Incorporate discussion on Aboriginal and European Cultural Heritage impacts and mitigation measures into Site Induction.	HSE coordinator/Site Engineer/General Superintendent	Pre-Construction
All efforts should be made in the design stage to avoid any cultural heritage items identified.	HSE coordinator/Site Engineer/General Superintendent	Pre-Construction
<b>During Construction</b>		
If complete avoidance of cultural heritage items is not possible, items should be collected and moved to a safe area within the property, as close as possible to their original location, which will not be subject to ground disturbance. The collection and relocation of Aboriginal artefacts should be undertaken by representatives of the Wellington LALC. A new AHIMS site card will need to be completed identifying the new location of the moved artefacts.	HSE coordinator/Site Engineer/General Superintendent	Construction
If items of Aboriginal cultural heritage are identified, works are to immediately stop in that area. Chance Finds Protocol (Appendix 2) must be followed.	HSE coordinator/General Superintendent	As applicable
In the unlikely event that human remains are discovered during the construction, all work must cease. BCD, the local police and Wellington LALC would be notified. Further assessment would be undertaken to determine if the remains were Aboriginal or non-Aboriginal. Chance Finds Protocol (Appendix 2) must be followed.	HSE coordinator/Site Engineer/General Superintendent	As applicable
Further archaeological assessment would be required if the proposal activity extends beyond the area of the current investigation. This would include consultation with the relevant LALC and may include further field survey.	HSE coordinator/Site Engineer/General Superintendent	As applicable
Should an item of historic heritage be identified, the Biodiversity and Conservation Division (BCD) BCD would be contacted prior to further work being carried out in the vicinity.	HSE coordinator/Site Engineer/General Superintendent	As applicable
Should any construction work be undertaken within 50 m of these trees they will be demarcated and protected by signage and paraweb fencing or similar prior to work commencing and removed only after the work is complete	HSE coordinator/Site Engineer/General Superintendent	As applicable



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Any heritage items will be recorded and the information submitted to the Heritage Council of NSW, consistent with the DA conditions	HSE coordinator/Site Engineer/General Superintendent	As applicable
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## 8 INSPECT AND TEST

### 8.1 *Monitoring, Inspection and Reporting*

Daily visual inspections of the construction site will be undertaken by the HSE coordinator and construction personnel to identify any potential cultural heritage management issues. Any actions to be undertaken as a result of site inspections will be recorded in the *FS-QA-RG-02 Corrective & Preventative Actions Register*.

## 9 RECORDS

A record shall be maintained as per *PR-QA-01 Document Control and Record Management Procedure*.

## **Appendix 1      Suntop Solar Farm – Heritage Sites**

The proponent sought to prepare the assessment in consultation with the relevant Local Aboriginal Land Council to identify any Aboriginal archaeological sites or areas of cultural significance and assess the potential impact of the proposal on Aboriginal heritage values.

The assessment was undertaken in consultation with Wellington Local Aboriginal Land Council (WLALC) whose boundaries covered the study area. WLALC was contacted at the commencement of the project to discuss the development proposal and invited to participate in site survey. Land Council representative Mike Nolan participated in a survey of 909 Suntop Road on Monday 26 February 2018.

WLALC identified a mature tree within the study area that has cultural significance to local Aboriginal people. The tree is located along the western boundary of the study area, outside of the proposed solar farm footprint.

WLALC representative Tyarara Talbot participated in a survey of the intersection of Renshaw McGirr Way and Suntop Road. The WLALC had no objections to the proposed intersection upgrade.

A written report was provided by WLALC summarising the outcomes of the site inspection and is included in EIS.

The WLALC recommended that the location of the identified archaeological sites and the culturally significant tree be provided to the property owner to ensure that they are not impacted by other activities. The WLALC also recommended that if further culturally significant materials area identified during the construction of the solar farm, the WLALC and BCD be notified and that works cease.

The Aboriginal Heritage Information Management System (AHIMS) is a database operated by BCD, regulated under section 90Q of the National Parks and Wildlife Act 1974. AHIMS contains information and records related to registered Aboriginal archaeological sites (Aboriginal objects, as defined under the Act) and declared Aboriginal places (as defined under the Act) in NSW.

A search of AHIMS was conducted on 5 March 2018 to identify registered (known) Aboriginal sites or declared Aboriginal places within or surrounding the study area. The AHIMS search results showed:

- 47 - Aboriginal sites are recorded in or near the above location
- 0 – Aboriginal places have been declared in or near the above location

The distribution of recorded Aboriginal sites within these coordinates is shown on Figure 1

No previously recorded sites were situated within or adjacent to the study area. Six AHIMS registered Aboriginal sites were located within three kilometres of the study area, including modified (scarred) trees, a grinding groove site, three artefact scatters and one isolated artefact.

AHIMS confirmed that the study area did not contain any of the Restricted Aboriginal Sites listed within the search area (email correspondence from David Gordon, Senior Heritage Information Officer (Aboriginal), Management Operations, Heritage Division, BCD dated 7 March 2018).

BYCA confirms that that this proposal will have no impact on the Heritage Sites.

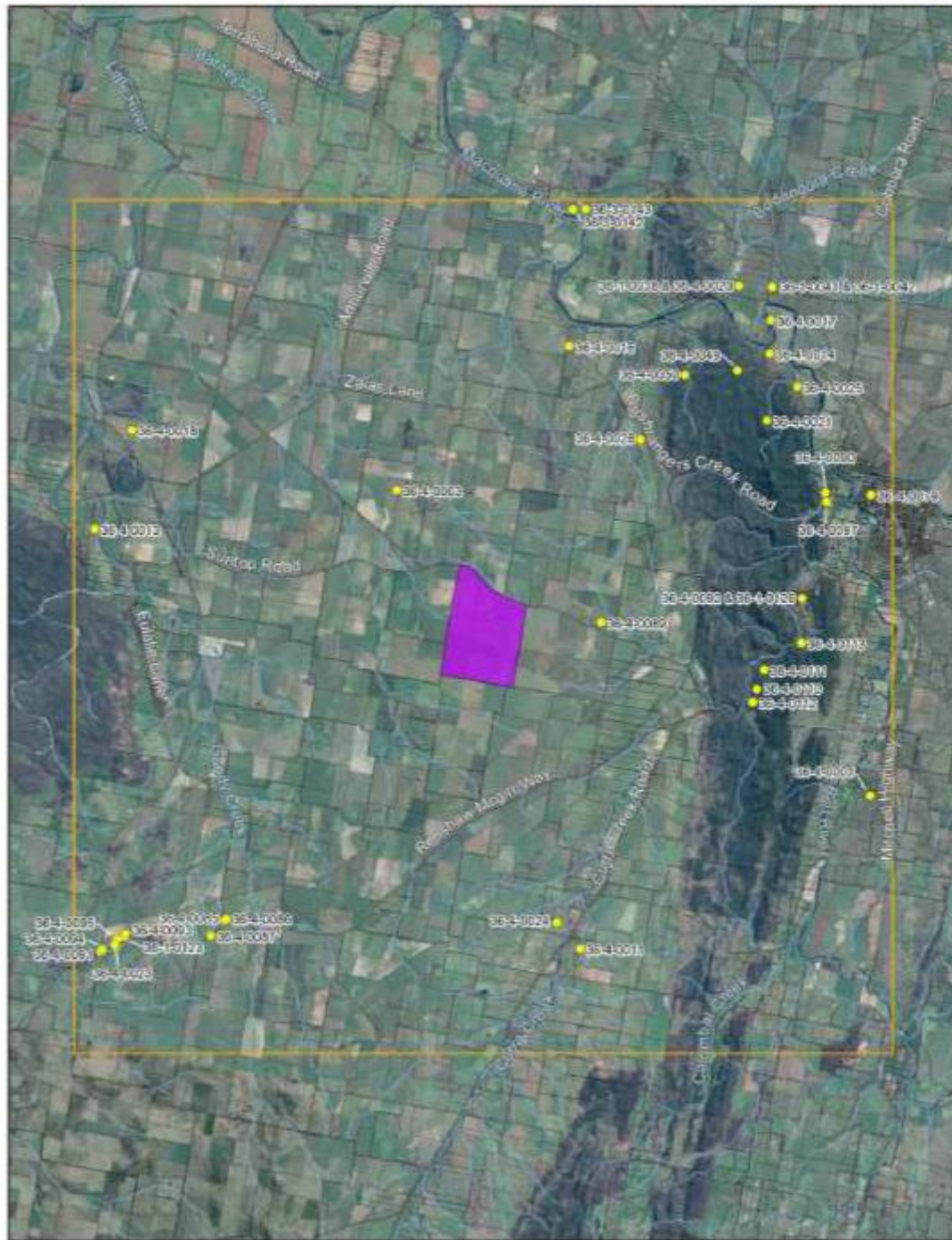
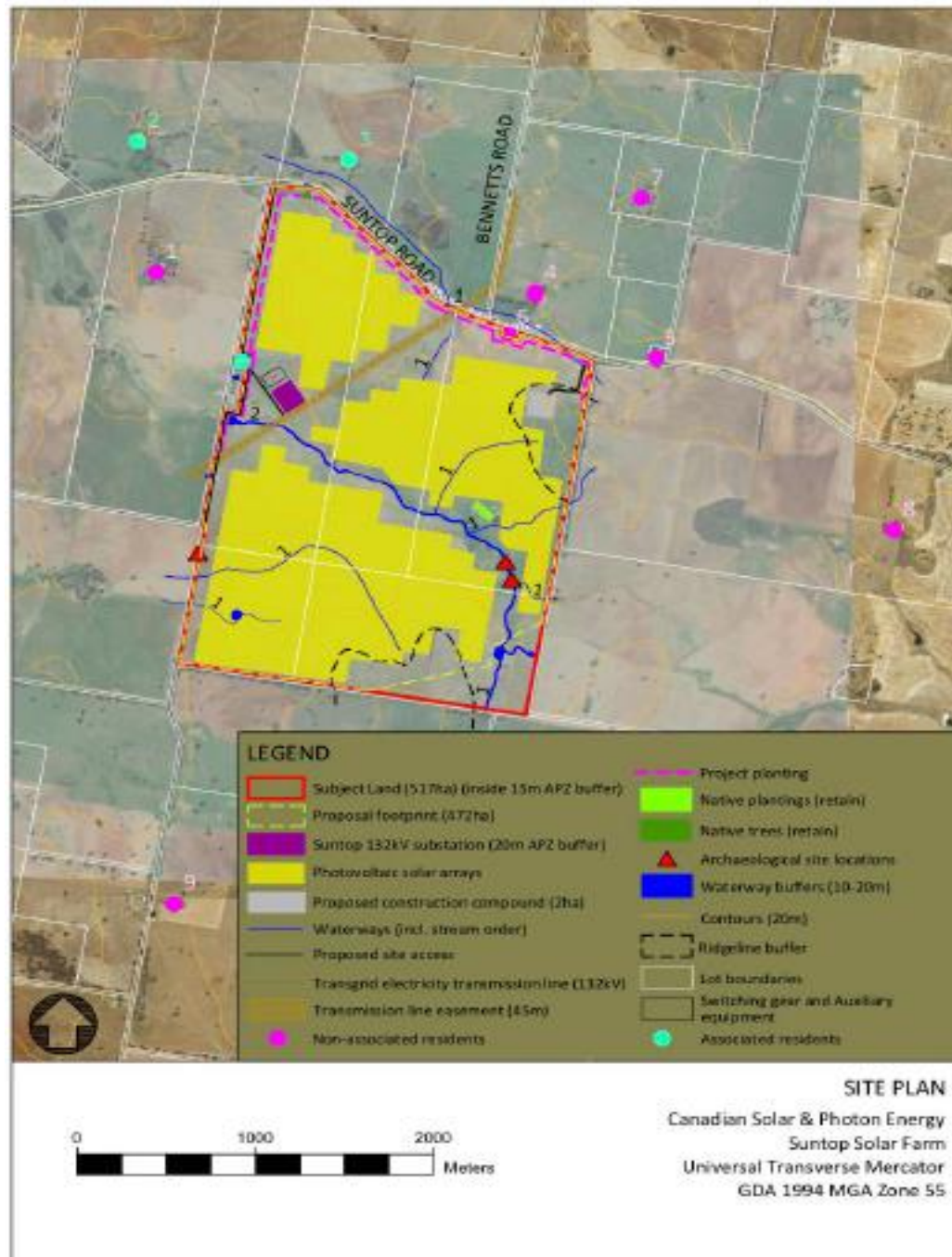


Figure 1: AHIMS search results





**Appendix 2      Chance Finds Protocol**

## ABORIGINAL HERITAGE UNEXPECTED FINDS PROTOCOL

### PURPOSE

This unexpected finds protocol has been developed to provide a method for managing unexpected Aboriginal heritage items identified during the construction and maintenance of the Project. The unexpected finds protocol has been developed to ensure the successful delivery of the Project while adhering to the *NSW National Parks and Wildlife Act 1974* (NPW Act).

Despite undertaking appropriate heritage assessment prior to the commencement of the Project, unexpected heritage items may still be identified during construction, operation and maintenance works. If this happens the following unexpected finds protocol plan should be implemented.

### WHAT IS A HERITAGE UNEXPECTED FIND?

An unexpected heritage find is defined as any possible Aboriginal heritage object or place that was not identified or predicted by the project's heritage assessment and is not covered by appropriate permits or development consent conditions. Such finds have potential to be culturally significant and may need to be assessed prior to development impact.

Unexpected heritage finds may include:

- Aboriginal stone artefacts, shell middens, modified trees, hearths and rock art;
- Human skeletal remains; and
- Remains of historic infrastructure and relics.

### ABORIGINAL HERITAGE PLACES OR OBJECTS

All Aboriginal objects are protected under the *NSW National Parks and Wildlife Act 1974* (NPW Act).

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.*

All Aboriginal objects are protected and it is an offence to harm or desecrate an Aboriginal object or place.

### ABORIGINAL HERITAGE UNEXPECTED FINDS MANAGEMENT PROCEDURE

In the event that any Aboriginal heritage places or objects are unexpectedly discovered and/or harmed in, or under the land, while undertaking proposed development activities during the Project, the following management protocols will be implemented:

1. No harm or further harm to the discovered object will occur and no attempt will be made to move the object.
2. Works at that identified heritage location will cease with an appropriate buffer zone of at least 20 metres will be implemented depending on the nature of the find to secure the area and allow for the assessment and management of the find. All site personnel will be informed about the buffer zone with no further works to occur within the buffer zone.

3. The discovery of an Aboriginal place or object will be reported to the local office of the Office of Environment and Heritage (BCD) as soon as practical on 131555, providing any details of the Aboriginal object and its location;
4. A heritage specialist will be engaged to assess the Aboriginal place or object encountered, a representative from the Wellington LALC for the Project may also be engaged to assess the cultural significance of the place or object;
5. The Project approvals will be reviewed to assess consistency with the approvals to impact Aboriginal heritage within the Project area
6. If the Aboriginal heritage places or objects are found to not be covered under the existing approvals to impact Aboriginal heritage within the Project area, works will not recommence at the heritage place or object unless authorised in writing to do so by BCD.
7. If the heritage place or object can be managed in situ, works at the heritage location will not recommence until appropriate heritage management controls have been implemented, such as protective fencing.

#### **HUMAN SKELETAL REMAINS**

Where human skeletal remains are unexpectedly found/unearthed during works for the Project the following protocol would be adopted:

1. Works at that location will cease, and an appropriate buffer zone of at least 50 metres will be established to secure the area;
2. The human remains will not be moved and no further disturbance will be made to the area;
3. The NSW police will be notified as soon as possible;
4. If the human remains are deemed a crime scene by the NSW police, the place will be managed by the police;
5. Should the human remains be deemed Aboriginal or historical by the police, BCD must assess the remains and work must not recommence in the area until this is authorised by BCD; and
6. Should the human remains be deemed Aboriginal in origin, the Wellington LALC must be informed and will accompany BCD to the site. The Wellington LALC has clear cultural responsibilities under both the Aboriginal Land Rights Act 1983 No. 42. All other registered Aboriginal parties for the Project are to be notified in writing.

The above process functions only to appropriately identify the human remains and secure the site, from which time the management of the remains is to be determined through liaison with the NSW police, BCD, Wellington LALC and other relevant Aboriginal stakeholders.

## HISTORIC HERITAGE UNEXPECTED FINDS PROTOCOL

### PURPOSE

This unexpected finds protocol has been developed to provide a method for managing unexpected historic heritage items (non-Aboriginal items) identified during the construction and maintenance of the Project. The unexpected finds protocol has been developed to ensure the successful delivery of the Project while adhering to the *Heritage Act 1977* (Heritage Act).

Despite undertaking appropriate heritage assessment prior to the commencement of the Project, unexpected heritage items may still be identified during construction, operation and maintenance works. If this happens the following unexpected finds protocol plan should be implemented.

### WHAT IS A HERITAGE UNEXPECTED FIND?

An unexpected heritage find is defined as any possible non-Aboriginal heritage object or place that was not identified or predicted by the project's heritage assessment and is not covered by appropriate permits or development consent conditions. Such finds have potential to be culturally significant and may need to be assessed prior to development impact.

Unexpected heritage finds may include:

- Unidentified European survey marker trees
- Remains of historic infrastructure and relics.

### HISTORIC HERITAGE

The *Heritage Act 1977* protects relics which are defined as:

*Any deposit, artefact, object or material evidence that relates to the settlement of the area that comprises NSW, not being Aboriginal settlement; and is of State or local heritage significance.*

### NON-ABORIGINAL HERITAGE UNEXPECTED FINDS MANAGEMENT PROCEDURE

In the event that any substantial intact historic archaeological relics of State or local significance are unexpectedly discovered during the Project, the following management protocols will be implemented:

1. No harm or further harm to the discovered relic will occur and no attempt will be made to move the relic.
2. Works at that identified heritage location will cease with an appropriate buffer zone of at least 20 metres to allow for the assessment and management of the find. All site personal will be informed about the buffer zone with no further works to occur within the buffer zone.
3. A heritage specialist and/or archaeologist will be engaged to assess the object encountered and its cultural significance;
4. The Project approvals will be reviewed to assess consistency with the approvals to impact Non-Aboriginal heritage within the Project area

5. The Heritage Council must be notified in writing of any unexpected finds. This is in accordance with section 146 of the Heritage Act 1977.
6. Depending on the nature of the discovery, additional assessment may be required prior to the recommencement of work in the area. At a minimum, any find should be recorded by an archaeologist.