

Cultural Heritage Management Plan

JEMALONG SOLAR FARM

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CONTENTS

1	INTRODUCTION.....	1
1.1	CONTEXT	1
2	PURPOSE, OBJECTIVES AND TARGETS.....	2
2.1	PURPOSE AND OBJECTIVES	2
2.2	TARGETS.....	2
3	ENVIRONMENTAL REQUIREMENTS	2
3.1	LEGISLATIVE AND OTHER ENVIRONMENTAL MANAGEMENT REQUIREMENTS.....	2
3.2	CONDITIONS OF CONSENT	3
4	CONSULTATION.....	4
5	EXISTING HERITAGE AND ASSESSMENTS	5
6	HERITAGE CONTROL MEASURES	8
7	COMPLIANCE MANAGEMENT	10
7.1	STRUCTURE AND RESPONSIBILITY	10
7.2	TRAINING	10
7.3	INSPECTIONS AND MONITORING.....	10
7.4	AUDITING	11
7.5	REPORTING.....	11
8	REVIEW AND IMPROVEMENT	11
8.1	CONTINUOUS IMPROVEMENT	11
8.2	CHMP UPDATE AND AMENDMENT.....	12
9	REFERENCES.....	13
APPENDIX A	ABORIGINAL COMMUNITY CONSULTATION.....	14
APPENDIX B	UNEXPECTED FINDS PROTOCOL	16

TABLES

Table 1	Location of information in this plan addressing the heritage requirements of the CoC Schedule 3.3	
Table 2.	Details of items listed in CoC Schedule 2 which are relevant to heritage and this plan.....	4
Table 3.	Summary mitigation measure from EIS that relate to CoC Schedule 2 Condition 2(a).....	4
Table 4	Sites recorded within and surrounding the Project area by NSW Archaeology (2017).....	5
Table 5.	Summary of management actions for heritage sites based on assessments conducted to date. ...	7

Table 6. Heritage control measure as required under the CoC, EIS ACHAR, Response to Submissions Report and modifications in relation to the Project.8

Table 7 Compliance CoC as per Schedule 4 Conditions 4, 5 and 6.10

FIGURES

Figure 1. Jemalong Solar Farm – General Layout of Development as per Appendix 1 of the CoC1

ACRONYMS AND ABBREVIATIONS

ACHAR	Aboriginal Cultural Heritage Management Report
AHIMS	Aboriginal heritage information management system
AS	Artefact Scatter
BCD	(NSW) Biodiversity Conservation Division of the NSW Department of Planning, Industry and Environment (DPIE), formally the Office of Environment and Heritage (OEH) and the Department of Environment, Climate Change and Water
CHMP	Cultural Heritage Management Plan
CoC	Conditions of Consent
Cwth	Commonwealth
DECCW	Refer to BCD
DPIE	Department of Planning, Industry and Environment
EIS	Environmental impact statement
EMS	Environmental Management Strategy
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cwth)
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i> (NSW)
EWMS	Environmental Work Method Statements
Ha	hectares
Heritage Act	<i>Heritage Act 1977</i> (NSW)
IF	Isolated Find
Km	kilometres
LALC	Local Aboriginal Land Council
M	Metres
NPW Act	<i>National Parks And Wildlife Act 1974</i> (NSW)
NSW	New South Wales
Pv	photovoltaic
WHSEMP	Work, Health, Safety and Environmental Management Plan

1 INTRODUCTION

Planning approval was received on 18 May 2018 for the construction and operation of the Jemalong Solar Farm, which is a 50 MW photovoltaic (pv) solar farm, located approximately 35 kilometres (km) west of Forbes. The Jemalong Solar Farm ('the Project') is a State Significant Development (SSD 8803) and it represents an important contribution to renewable energy generation in New South Wales (NSW). The approved development footprint layout of the Jemalong Solar Farm is shown in Figure 1 of this Plan and in Appendix 1 in the Conditions of Consent (CoC) for the Project.

Subsequent to the Project approval by the NSW Minister of Planning on 18 May 2018 three modifications have been approved and the CoC consolidated to also include the works and activities proposed for Modification 1 (revised subdivision) approved on the 27 July 2018, Modification 2 (revised development footprint) approved on the 3 September 2019 and Modification 3 (transmission line) approved on the 13 November 2019.

In 2019 the Jemalong Solar Farm Project was acquired by Genex Power Limited from Vast Solar Pty Ltd., consequently Genex Power Limited are now listed as the Applicant for the Project in the CoC following approval of Modification 2 on the 3 September 2019. The purpose of this Cultural Heritage Management Plan (CHMP) is to describe how impacts on Aboriginal heritage will be minimised and managed during the construction, operation and decommissioning of the Project.

1.1 CONTEXT

This CHMP for the Project is a stand-alone document and has been prepared to address the requirements of:

- NSW Department of Planning, Industry and Environment (DPIE) consolidated CoC (which includes the initial Project approval and approvals for Modification 1, Modification 2 and Modification 3);
- All applicable legislation during the construction, operation and decommissioning of the Project;
- Heritage mitigation and management measure and commitments as noted in the Environmental Impact Statement for Jemalong Hybrid Solar Park Environmental Impact Statement (NGH 2018) as amended by:
 - Jemalong Hybrid Solar Park Response to Submissions Report (NGH 2018a);
 - Jemalong Hybrid Solar Park Modification Application (NGH 2018b) (Modification 1);
 - Jemalong Solar Modification Report (RPS 2019a) (Modification 2); and
 - Jemalong Solar Modification Report (RPS 2019b) (Modification 3).

Although an independent document, this plan may be linked to other management planning documents for the solar farm, including the Environmental Management Strategy (EMS).

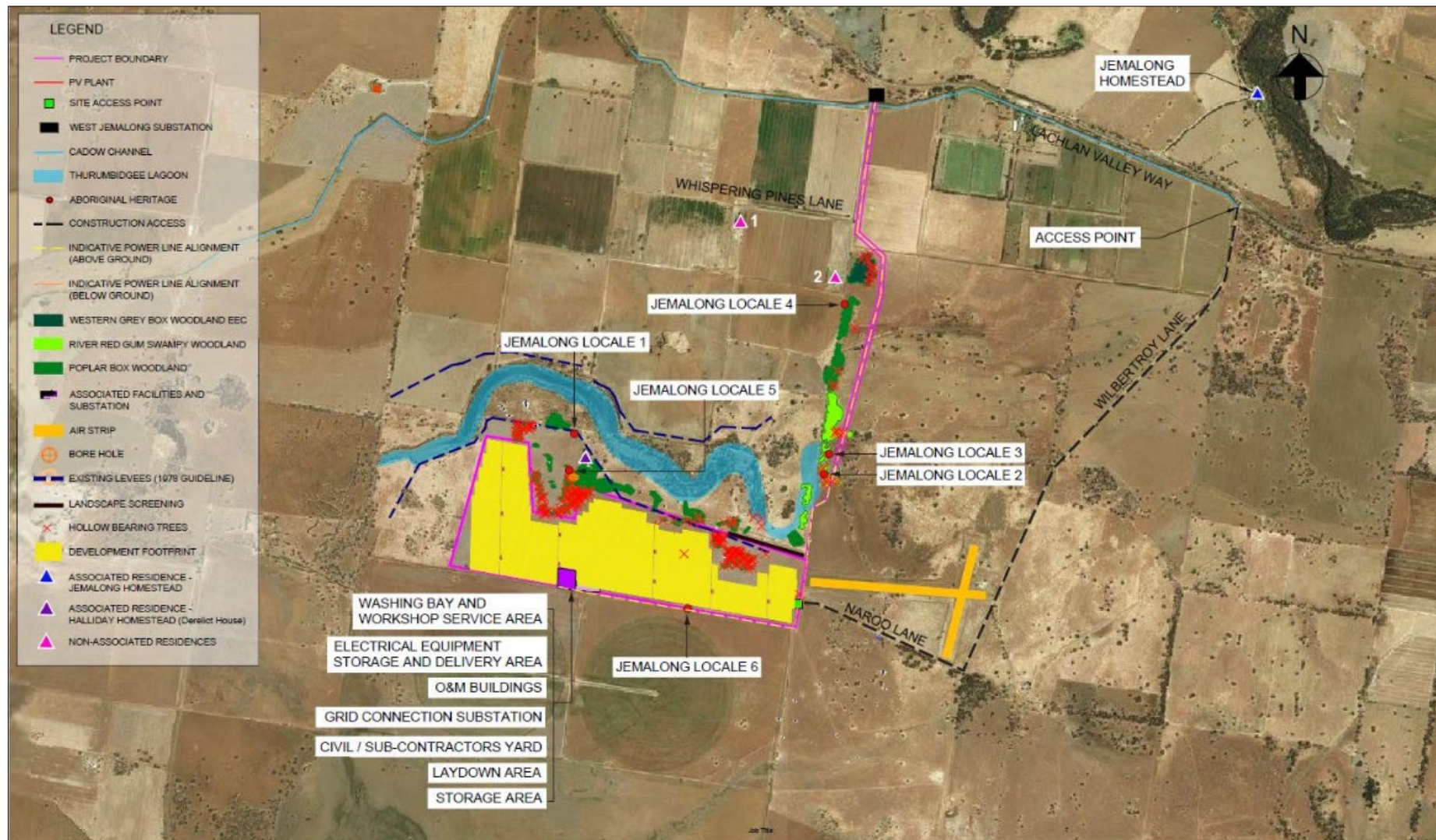


Figure 1. Jemalong Solar Farm – General Layout of Development as per Appendix 1 of the CoC

2 PURPOSE, OBJECTIVES AND TARGETS

2.1 PURPOSE AND OBJECTIVES

The purpose of this CHMP is to describe how impacts to Aboriginal heritage will be minimised and managed during construction, operations and decommissioning of the Project.

The key objective of the CHMP is to ensure that impacts to Aboriginal heritage are minimised and are within the scope permitted by the planning approval. To achieve this objective, the following will be undertaken:

- Ensure appropriate controls and procedures are implemented during construction, operation and decommissioning activities to avoid (where necessary) or minimise potential adverse impacts to Aboriginal heritage in the Project footprint.
- Ensure appropriate measures are implemented to address the mitigation measures detailed in the EIS, CoC, Response to Submissions Report and additional reports and heritage assessments undertaken for the Modifications to the Project.
- Ensure appropriate measures are implemented to comply with all relevant legislation and other requirements as described in Section 3 of this plan.
- Facilitate engagement with the local Aboriginal community in partnership to appropriately manage the Aboriginal cultural heritage values associated with the Project.

2.2 TARGETS

The following targets have been established for the management of Aboriginal cultural heritage impacts during construction, operations and decommissioning of the Project:

- Ensure full compliance with the relevant legislative requirements.
- Ensure full compliance with relevant requirements of the EIS, CoC, Response to Submissions Report and additional reports undertaken for the Modifications.
- Minimise or avoid impacts, including inadvertent impacts, on known Aboriginal heritage.
- Follow correct procedure and ensure notification of any previously unidentified Aboriginal objects/places uncovered during construction.
- Ensure Aboriginal Cultural Heritage Awareness Training is provided to all personnel in the form of induction before they begin work on site.

3 ENVIRONMENTAL REQUIREMENTS

3.1 LEGISLATIVE AND OTHER ENVIRONMENTAL MANAGEMENT REQUIREMENTS

Legislation

Legislation relevant to heritage management includes:

- *Environmental Planning and Assessment Act 1979 (EP&A Act);*
- *National Parks and Wildlife Act (NPW Act);*

- *National Parks and Wildlife Amendment (Aboriginal Objects and Places) Regulation 2010;*
- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Commonwealth).*

Guidelines and Standards

The main guidelines, specifications and policy documents relevant to this Plan include:

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

3.2 CONDITIONS OF CONSENT

The CoC for the Project were issued by the NSW Minister for Planning on 18 May 2018. Subsequent to the initial Project approval three modifications have since been approved and the CoC consolidated to also include the works and activities proposed for Modification 1 approved on the 27 July 2018, Modification 2 approved on the 3 September 2019 and Modification 3 approved on the 13 November 2019. Details of the CoC Schedule 3 in relation to Heritage are summarised below in Table 1. Details of the CoC Schedule 2 which are relevant to heritage are listed in Table 2.

A detailed list of heritage control measures to be implemented to ensure compliance with the CoC, EIS, Response to Submissions Report and additional reports undertaken for the Modifications are also detailed in Section 6 of this document.

Table 1 Location of information in this plan addressing the heritage requirements of the CoC Schedule 3

Conditions #	Condition of Consent	Location of relevant information
20	The applicant must ensure the development does not cause any direct or indirect impacts on Aboriginal heritage items Jemalong Locale 1, Jemalong Locale 2, Jemalong Locale 3, Jemalong Locale 4, Jemalong Local 5 and Jemalong Locale 6. <i>Note: The location of the Aboriginal heritage items referred to in this condition are shown in the figure in Appendix 1 of the CoC.</i>	-CoC and figure in Appendix 1 of the CoC. - CHMP Table 1, Section 3.2, and Section 6.
21	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 NSW Police and BCD as soon as possible following the discovery and work must not recommence in the area until this is authorised by BCD.	-CHMP Table 1, Section 3.2, and Appendix B
22	Prior to the 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 BCD's approval, the Applicant must implement the Chance Finds Protocol.	-This document -CHMP Section 4, Appendix A and Appendix B

Table 2. Details of items listed in CoC Schedule 2 which are relevant to heritage and this plan.

Conditions #	Condition Requirement	Location of relevant information
2	<p>The Applicant must carry out the development :</p> <p>(a) Generally, in accordance with the EIS; and</p> <p>(b) in accordance with the conditions of consent</p> <p><i>Note: The general layout of the development is shown in Appendix 1.</i></p>	<p>-CoC and figure in Appendix 1 of the CoC.</p> <p>- CHMP Section 3.2, and Section 6.</p>

In accordance with Schedule 2, Condition 2 (a) of the Development Consent with reference to the EIS, Section 10.2 of the EIS included the several summary mitigation measures in relation to heritage which are relevant to this plan. These are included in Table 3 and also detailed in Section 6 of this document.

Table 3. Summary mitigation measure from EIS that relate to CoC Schedule 2 Condition 2(a).

EIS Mitigation measures	Details
A1	A Cultural Heritage Management Plan would be prepared to guide the process for management and mitigation of impacts to Aboriginal cultural heritage. This would be undertaken in consultation with a consulting archaeologist, the registered Aboriginal parties and the NSW Office of Environment and Heritage. The 66kV HV line has been relocated eastward away from the lagoon so that the predicted sensitive area within 200m of the lagoon is avoided. Parts of the new alignment were not surveyed in 2014. Additional survey will need to be carried out during the detailed design phase.
A2	Personnel involved in the construction and management phases of the project would be trained in awareness and procedures to implement recommendations relating to cultural heritage, as necessary.
A3	Cultural heritage would be included within any environmental audit of impacts proposed to be undertaken during the construction phase of the development.
A4	In the unlikely event that human remains are discovered during the construction, all work must cease in the immediate vicinity. BCD, the local police and the registered Aboriginal parties should be notified. Further assessment must be undertaken to determine if the remains were Aboriginal or non-Aboriginal.
A5	Additional archaeological assessment would be required in any areas which are proposed for impacts that have not been surveyed during the current assessment.

4 CONSULTATION

Schedule 3 Condition 22 of the CoC requires that the Chance Finds Protocol be prepared in consultation with the Biodiversity and Conservation Division (BCD) within the NSW Department of Planning, Industry and Environment (DPIE) and Aboriginal Stakeholders.

The consultation process began in 2014 for the Aboriginal Cultural Heritage Assessment Report (ACHAR). The consultation with Aboriginal stakeholders was undertaken in accordance with clause 80C of the

National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010 following the consultation steps outlined in the *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (ACHCRP).

As a result of this process there were two Registered Aboriginal Parties (RAPs) for the project as listed below.

- Joy Russell; and
- Aileen Allen.

While not listed in the ACHAR as a RAP for the project a draft copy of the ACHAR was noted to have been provided to the Condobolin Local Aboriginal Lands Council (LALC) for review. The Condobolin LALC were also noted in the ACHAR to have participated in the survey of the project area in 2014 with Richard Coe representing the Condobolin LALC in field investigations undertaken by NSW Archaeology in December 2014. Given this it is assumed that the Condobolin LALC also have an interest in the project.

For this CHMP additional consultation, as required by the CoC, was undertaken with BCD and the Registered Aboriginal Parties (RAPs) as detailed in Appendix A. The draft CHMP was attempted to be sent out to all the RAPs for this Project however BCD no longer have contact details for the two individuals listed as RAPs. Given this NGH contacted the Condobolin LALC however no response was received. The letter response provided by BCD is included in Appendix A. BCD did not raise any issues with this plan.

5 EXISTING HERITAGE AND ASSESSMENTS

In 2017 New South Wales Archaeology Pty Ltd (NSW Archaeology) prepared an Aboriginal Cultural Heritage Assessment Report (ACHAR) for the Jemalong Solar Farm (see NSW Archaeology 2017). The findings of the ACHAR were summarised within the EIS and a brief summary is also included below (NGH 2018a).

During the field survey the Project area by NSW Archaeology the area was noted to be highly disturbed by previous agricultural land use. A total of six new sites were recorded (Jemalong Locale 1 to Jemalong Locale 6) with low density stone artefacts, the majority which were situated outside the proposed development impact areas. The sites recorded by NSW Archaeology (2017) are listed in Table 4 and included four isolated artefacts (IF), one isolated artefact with an area of potential archaeological deposit (PAD) and one low density artefact scatter (AS) with five stone artefacts recorded. .

Table 4 Sites recorded within and surrounding the Project area by NSW Archaeology (2017).

AHIMS	Site name	Description	Type of Harm	Degree of Harm	Consequence of harm
43-2-0075	Jemalong Locale 1	Isolated Stone Artefact	Nil	Nil	Nil
43-2-0076	Jemalong Locale 2	Isolated Stone Artefact with PAD	Nil	Nil	Nil
43-2-0080	Jemalong Locale 3	Artefact Scatter	Nil	Nil	Nil
43-2-0079	Jemalong Locale 4	Isolated Stone Artefact	Nil	Nil	Nil
43-2-0078	Jemalong Locale 5	Isolated Stone Artefact	Nil	Nil	Nil
43-2-0077	Jemalong Locale 6	Isolated Stone Artefact	Nil	Nil	Nil

The Project area was noted to generally have low archaeological sensitivity however some areas situated in close proximity to the Thurumbidgee Lagoon were assessed to have higher archaeological potential compared to the rest of the Project area.

NSW Archaeology (2017) concluded that:

- The majority of the Project area had predicted very low densities of subsurface artefacts and the area had low archaeological significance;
- The recorded Aboriginal sites and locales are located outside the impact areas; and
- Subsequent to the fieldwork the 66kV HV line was moved eastward from the Thurumbidgee Lagoon to minimise any potential impacts to Aboriginal heritage. Consequently, parts of this new alignment were not surveyed by NSW Archaeology and additional survey was recommended to be undertaken during the design phase of the Project.

In response to submissions received for the EIS a number of safeguards and mitigation measures were detailed in the Response to Mitigation Measures for Aboriginal Heritage which incorporated the ACHAR recommendations and comments received from government departments. These Aboriginal Heritage recommendations are detailed in Table 3 and have been incorporated into the CoC (see Section 3.2) and the heritage control measures detailed in Section 6.

The recommendations detailed in the EIS and the Response to Mitigation Measures for historic heritage are detailed below and have been incorporated into the heritage control measures detailed in Section 6 and as part of the unexpected find protocol (UFP) (see Appendix B).

- Should an item of historic heritage be identified, the BCD would be contacted prior to further work being carried out in the vicinity.

In 2018 NGH (2018b) completed the assessment for Modification 1 (revised subdivision) for the Project. It was assessed that the proposed revised subdivision would not have an adverse impact on Aboriginal heritage and that there were no items of historic heritage in the vicinity of the proposed subdivision. No safeguards or mitigation measures were noted.

In 2019 RPS (2019a) completed the assessment for Modification 2 (revised development footprint) for the Project. NGH provided a letter of heritage advice for Modification 2 and it was assessed that the previously recorded Aboriginal site Jemalong Locale 6 was located directly adjacent to the revised solar arrays. It was recommended that to ensure there was no inadvertent impacts to the sites that a 5 m exclusion zone/buffer is placed around the site. Additionally, the arrays near the site will be setback a further 20 m (25 m in total) from the site location of Jemalong Locale 6. RPS also recommended as a safeguard and mitigation measure that Jemalong Locale 6 should have temporary fencing provided around it during the construction of the Project to satisfy the CoC Schedule 3 Condition 20. It was also noted that the CHMP (this document) addresses CoC Schedule 3 Conditions 20-22 to ensure that the sites Jemalong Locale 1 to Jemalong Locale 6 are not disturbed during works for the Project. There was no impact to historic heritage noted in the assessment for Modification 2.

In 2019 RPS (2019b) completed the assessment for Modification 3 (transmission line) for the Project. A due diligence assessment of the revised transmission line easement including field inspection undertaken by RPS in 2018 which identified no new Aboriginal heritage sites within the Project Area (RPS 2018). NGH provided a letter of heritage advice for Modification 3 which drew on the Aboriginal heritage due diligence assessment undertaken by RPS for the proposed Modification 3 works. The heritage assessment identified three previously recorded sites in proximity to proposed works. These included Jemalong Locale 6, an isolated stone artefact, that was adjacent to the southern boundary fence of the site and located in

proximity to the electricity easements. It was recommended and agreed within the conditions that this site be avoided by the development, and this recommendation and condition was noted to still be applicable to Modification 3. The change to the transmission line construction methodology from underground to overhead was assessed as not likely to materially affect the artefact if all however protection mechanisms including a buffer and high visibility fencing were recommended to be included in the CHMP to ensure there were not inadvertent impacts to the site. Two other sites previously recorded sites Jemalong Locale 2 and Jemalong Locale 3, were noted to be situated adjacent to the transmission line route in the northeast of the Project area and are located approximately 50 m and 35 m respectively from the overhead powerline.

The changes in construction methodology from underground to overhead occurs south of these sites and no additional sites were identified in the assessment area. Therefore it was considered unlikely that the modification would impact Aboriginal heritage objects. Consequently, RPS (2019b) noted that while Jemalong Locale 2, 3 and 6 were identified to be within proximity to the electricity easements for the overhead transmission line sections proposed in Modification 3, the proposed changes and associated construction activities are unlikely to impact Aboriginal heritage objects. Additionally, the change in construction methodology would result in less ground disturbance, reducing the potential to disturbance on unidentified Aboriginal objects. As a safeguard and mitigation measure it was recommended that CHMP (this document) addresses CoC Schedule 3 Conditions 20-22 to ensure that the sites Jemalong Locale 2, 3 and 6 are not disturbed during works for the Project. No additional survey or alteration of management was required provided that the sites are avoided by all works and activities. There was no impact to historic heritage noted in the assessment for Modification 3.

Following the heritage assessments undertaken to date for the Project Table 5 below provides a summary of the specific actions noted as safeguards and mitigation measures required to manage the previously recorded Aboriginal sites within and surrounding the Project area. These safeguards and mitigation measures are required to be implemented to ensure that there is no impact or inadvertent impacts to the sites Jemalong Locale 1 to Jemalong Locale 6 as per the CoC for the Project.

Table 5. Summary of management actions for heritage sites based on assessments conducted to date. .

AHIMS	Site name	Location	Management
43-2-0075	Jemalong Locale 1	Outside project boundary	No impact by project, ensure on maps to avoid any inadvertent impact. Minimum 5 m buffer required.
43-2-0076	Jemalong Locale 2	Outside project boundary on private property over 50 m west of 66 kV transmission line	No impact by project, ensure on maps to avoid inadvertent impact, restrict powerline construction to easement. Erect fencing around site prior to any construction works and a minimum 5 m buffer.
43-2-0080	Jemalong Locale 3	Outside project boundary on private property over 50 m west of 66 kV transmission line	No impact by project, ensure on maps to avoid inadvertent impact, restrict powerline construction to easement. Erect fencing around site prior to any construction works and a minimum 5 m buffer.
43-2-0079	Jemalong Locale 4	Outside project boundary on private property over 100 m west of 66 kV transmission line	No impact by project, ensure on maps to avoid inadvertent impact, restrict powerline construction to easement. Minimum 5 m buffer required.
43-2-0078	Jemalong Locale 5	Outside project lease boundary	No impact by project, ensure on maps to avoid inadvertent impact. Minimum 5 m buffer required.
43-2-0077	Jemalong Locale 6	On southern property boundary fence but outside solar farm security fence	No impact by project, ensure on maps to avoid inadvertent impact. Erect fencing around site prior to any construction works and a minimum 5 m buffer.

6 HERITAGE CONTROL MEASURES

A range of mitigation requirements and control measures are identified in the CoC, EIS, ACHAR, Response to Submissions Report and modification documents relating to the heritage assessment of the Project. Specific measures and requirements to address impacts to heritage values are outlined in Table 6. The measures have been listed to cover broad activities and as such there may be some repetition of mitigation measures.

Table 6. Heritage control measure as required under the CoC, EIS ACHAR, Response to Submissions Report and modifications in relation to the Project.

Measure / Requirement	Resources needed	When to implement	Responsibility	References
GENERAL				
Training will be provided to all personnel involved in construction and management phases of the Project, including relevant sub-contractors on heritage requirements from this plan through inductions, toolboxes and targeted training.	Induction package Toolbox training material Targeted training material This document	Pre-construction Construction Operation Decommissioning	Project Owner Contractor Environmental Officer	This document Section 7.2 EMS
Implementation of an approved Cultural Heritage Management Plan which includes an unexpected finds procedure/ chance finds protocol for the development. The Cultural Heritage Management Plan would be written in consultation with an archaeologist, the registered Aboriginal parties and BCD.	This document	Pre-construction Construction Operation	Contractor Project Manager	This document
Cultural heritage would be included within any environmental audit of impacts proposed to be undertaken for the project, including during the construction phase of the development.	CoC This document	Pre-construction Construction Operation Decommissioning	Project Owner Contractor Environmental Officer	This document Section 7.4
DESIGN				
The design and development of the solar farm must avoid and not cause any direct or indirect impacts on Aboriginal heritage items Jemalong Locale 1, Jemalong Locale 2, Jemalong Locale 3, Jemalong Locale 4, Jemalong Locale 5 and Jemalong Locale 6 as identified in the CoC as sites to avoid impacting or any other sites located outside the approved development footprint.	ACHAR Modification Assessments Response to Submissions Report CHMP CoC	Design Pre-construction Construction Operation Decommissioning	Project Owner Contractor Project Manager	This document Section 3.2

Measure / Requirement	Resources needed	When to implement	Responsibility	References
Further archaeological assessment would be required if the Project activity extends beyond the area assessed in the ACHAR and Modification 1 to 3 assessments. This would include consultation with the RAPs and may include further field survey. A formal modification to the development consent would be required to be submitted to DPIE if any activity were proposed to extend beyond the area and activities approved to date. The modification application must be approved by DPIE prior to any works or activities commencing beyond that approved in the consolidated CoC for the Project.	ACHAR Modification Assessments Response to Submissions Report	Design Pre-construction Construction Operation	Project Owner Contractor Project Manager	This document Table 6, Section 5 and Section 6.
The design for the 66kV HV line has been relocated to avoid the lagoon and archaeologically sensitive landforms. Any new alignment beyond that approved in the CoC must be sufficiently assessed for heritage items prior to the submission of any further modification applications. The modification application must be approved by DPIE prior to any works or activities commencing beyond that approved in the consolidated CoC for the Project.	ACHAR Modification Assessments Response to Submissions Report	Design Pre-construction Construction Operation	Project Owner Contractor Project Manager	This document Table 6, Section 5 and Section 6.
PRE-CONSTRUCTION				
Delineation and signage of Aboriginal sites within the project area that will not be impacted by the proposed development works will be put in place prior to any construction works commencing. This specifically includes the site Jemalong Locale 2, Jemalong Locale 3 and Jemalong Locale 6 which must have fencing to delineate the sites with a minimum 5 m buffer placed around the sites. Continued periodic monitoring of these sites a will occur. A minimum 5 m buffer will be placed around stone artefact sites that will not be impacted by the proposed development.	Modification Assessments	Pre-construction Construction Operational	Contractor Environmental Officer	This document Section 7.3
CONSTRUCTION				
Where any additional, unrecorded Aboriginal or non-Aboriginal objects are encountered during construction, maintenance and/or decommissioning works and activities for the Project the Unexpected Finds Procedure will be followed.	Unexpected Finds Procedure	Construction Operational Decommissioning	Contractor Project Manager Environmental Officer All personal	This document Appendix B
If human remains are discovered on site, then all work surrounding the area must cease, and the area must be secured. The Unexpected Finds Procedure will be followed to notify NSW police and BCD as soon as possible. Further assessment must be undertaken to determine if the remains were Aboriginal or non-Aboriginal. Work must not recommence in the area until this is authorised by BCD.	Unexpected Finds Procedure CoC	Construction Operational Decommissioning	Contractor Project Manager Environmental Officer All personal	This document Appendix B
Monitoring of heritage sites within the project area outside the development footprint to ensure no impacts or inadvertent impacts.	CHMP	Construction Operational Decommissioning	Contractor Environmental Officer	This document Section 7.3

7 COMPLIANCE MANAGEMENT

7.1 STRUCTURE AND RESPONSIBILITY

The organisational structure and overall roles and responsibilities, including those for contractors and sub-contractors, are outlined in the EMS. Specific responsibilities for the implementation of environmental controls will be detailed in the WHSEMP.

The implementation and compliance with the CHMP is the overall responsibility of the project owner as holder of the development consent. However, the appointed contractor will have daily project management responsibility for the implementation and compliance with the CoC relating to heritage, including the requirements outlined in this CHMP.

7.2 TRAINING

To ensure the CHMP is effectively implemented, each level of management is responsible for ensuring that all personnel reporting to them are aware of the requirements of this plan. As part of the contractor inductions all personnel will be informed of cultural heritage constraints of the Project and the CoC. The Health Safety Environment and Quality (HSEQ) personnel will coordinate the environmental training in conjunction with other training and development activities (e.g. safety). A record of this training will be maintained by the HSEQ personnel.

In particular, all employees, contractors, and utility staff working on site will receive Aboriginal Cultural Heritage Awareness Training. It will be provided to all personnel in the form of an induction before they begin work on site. This training will address obligations under the Project Development Consent and project specific site identification, heritage conservation and management measures. Targeted training in the form of toolbox talks or specific training will also be provided to personnel with a key role in heritage management. Further details regarding staff induction and training will be outlined in the WHSEMP.

7.3 INSPECTIONS AND MONITORING

Periodic inspection of the Aboriginal heritage sites, specifically Jemalong Locale 2, Jemalong Locale 3 and Jemalong Locale 6 which are within or directly adjacent to the Project area, will occur for the duration of construction, operation and decommissioning of the Project. The Aboriginal sites will be identified by the project archaeologist and/or the Site Environmental Officer (SEO) and marked by fencing to ensure there are no inadvertent impacts during the construction, operation and decommissioning of the Project. Inspection of the sites will occur fortnightly during construction and monthly thereafter by the SEO.

Any compliance issues will be recorded and raised with the relevant authorities as per the CoC Schedule 4 Conditions 4, 5 and 6 as outlined below in Table 7. Inspections will be undertaken following a reporting checklist.

Table 7 Compliance CoC as per Schedule 4 Conditions 4, 5 and 6.

CoC Schedule 4 Condition #	Compliance Task	Compliance requirement
4	Incident Notification	The Department must be notified in writing to compliance@planning.nsw.gov.au immediately after the Applicant becomes aware of an incident. The notification must identify the development

CoC Schedule 4 Condition #	Compliance Task	Compliance requirement
		(including the development application number and the name of the development if it has one) and set out the location and nature of the incident.
5	Non-Compliance Notification	The Department must be notified in writing to compliance@planning.nsw.gov.au within 7 days after the Applicant becomes aware of any non-compliance with the conditions of this consent. The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the noncompliance (if known) and what actions have been done, or will be, undertaken to address the noncompliance.
6	Compliance Reporting	Prior to commencing the construction, upgrading and decommissioning of the development, the Applicant must submit a compliance report to the Department in accordance with the relevant Compliance Reporting Post Approval Requirements (DPE 2018), or its latest version.

7.4 AUDITING

Audits (both internal and external) will be undertaken to assess the effectiveness of environmental controls, compliance with this sub plan and other relevant approvals, licenses and guidelines.

Cultural heritage should be included within any environmental audit of impacts undertaken during the construction, operation and decommissioning phases of works for the Project. Cultural heritage should also be included in the independent environmental audit as noted in CoC Schedule 4 Conditions 7 within six months of commencing construction.

Audit requirements are also detailed in the EMS.

7.5 REPORTING

Reporting requirements and responsibilities are documented in the EMS. Managing these requirements are the responsibility of the contractor.

In line with the CoC Schedule 3 Condition 21 if any human remains or suspected human remains are found during any activity NSW Police and BCD must be contacted as soon as practicable. The procedure to follow and reporting requirements are detailed in the Human Skeletal Remains section of the Unexpected Finds Protocol (see Appendix B).

8 REVIEW AND IMPROVEMENT

8.1 CONTINUOUS IMPROVEMENT

Continuous improvement of this Plan will be achieved by the ongoing evaluation of heritage management performance against heritage policies, objectives and targets to identify opportunities for improvement.

The continuous improvement process will be designed to:

- Identify areas of opportunity for improvement of environmental management and performance.

- Determine the cause or causes of non-conformances and deficiencies.
- Develop and implement a plan of corrective and preventative action to address any non-conformances and deficiencies.
- Verify the effectiveness of the corrective and preventative actions.
- Document any changes in procedures resulting from process improvement.
- Make comparisons with objectives and targets.

8.2 CHMP UPDATE AND AMENDMENT

The processes and plans described in the EMS may result in the need to update or revise this Plan. This will occur as needed. Only the SEO, or delegate, has the authority to change any of the CHMP documentation. The preparation, review and distribution, as appropriate, of any update or revision of this Plan will be in accordance with the document control policy and procedure.

A copy of the updated plan will be distributed to all relevant stakeholders in accordance with the document control policy and procedure. Any changes must also be to the satisfaction of the Secretary, in accordance with CoC Schedule 4 Condition 2.

During the Project, a copy of the most recent version of this plan will be stored at the main site compound.

9 REFERENCES

NGH Environmental, 2018a, Jemalong Hybrid Solar Park Environmental Impact Statement. Report to Vast Solar Pty Ltd.

NGH Environmental, 2018b, Jemalong Hybrid Solar Park Response to Submissions Report. Report to Vast Solar Pty Ltd.

NGH Environmental, 2018c, Jemalong Hybrid Solar Park Modification Application. Report to Vast Solar Pty Ltd.

New South Wales Archaeology Pty Ltd 2017, Jemalong 50MW PV Project Aboriginal Cultural Heritage Assessment Report. Report to NGH Environmental on behalf of Vast Solar Pty Ltd.

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

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

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

RPS, 2018, Jemalong NSW Aboriginal Due Diligence Assessment. Report to Genex Power.

RPS 2019a Jemalong Solar Modification Report. Report to Genex Power.

JRPS 2019b Jemalong Solar Modification Report. Report to Genex Power.

APPENDIX A ABORIGINAL COMMUNITY CONSULTATION

The following consultation has occurred in preparation of this CHMP with the Aboriginal community and BCD.

Registered Party	Contact	Date	Contact Method	Notes
BCD	Paul Houston	9/05/ 2019 till June 2019	Email and phone	Correspondence and phone calls seeking assistance in locating previous RAPs. Paul unable to locate contact details for the two parties.
Condobolin LALC	Richard Coe	20/06/2019	Email	Sent email with draft CHMP but email not operating. Unable to obtain working phone or email address
	Richard Coe	20/06/2019	Email	Sent email with draft CHMP attached to apparent workplace for Richard. Read receipt received 21 June. No response.
Condobolin LALC		20/06/2019	Email	New email address found, sent draft CHMP for comment.
BCD (formally BCD)	Phil Purcell (archaeologist) and Debbie Love (Acting Director North West Biodiversity and Conservation Division)	21/01/2020	Letter via email	BCD have identified no significant issues with the Chance Find Protocol which essentially follows the procedures set down in the mitigation strategies described in the Cultural Heritage Management Plan (CHMP). BCD note the minimal harm to Aboriginal objects and the avoidance strategies proposed to protect known objects within the project boundary. If you require further information, please contact Phil Purcell

Letter from BCD dated 20 January 2020



Planning,
Industry &
Environment

Our ref: DOC20/37800

Your ref: SSD-8803

Harrison Holihan
Commercial Manager
Genex Power

Dear Harrison

Chance Find Protocol – Jemalong Solar Project

Thank you for your email dated 3 December 2019 to the Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment regarding the Chance Find Protocol (November 2019 version) for the approved Jemalong Solar Project.

BCD have identified no significant issues with the Chance Find Protocol which essentially follows the procedures set down in the mitigation strategies described in the Cultural Heritage Management Plan (CHMP).

BCD note the minimal harm to Aboriginal objects and the avoidance strategies proposed to protect known objects within the project boundary.

If you require further information, please contact Phil Purcell, Archaeologist, on [REDACTED] or [REDACTED]

Yours sincerely

A handwritten signature in cursive script, appearing to read 'D Love'.

20 January 2020

Debbie Love
Acting Director North West
Biodiversity and Conservation Division

Cc: Natasha Homsey – Environmental Assessment Officer, Resource Assessments, Planning and Assessment Group

APPENDIX B UNEXPECTED FINDS PROTOCOL

B.1 INTRODUCTION

This Unexpected Finds Protocol has been developed to provide a method for managing unexpected Aboriginal and non-Aboriginal heritage items identified during the construction, operation, maintenance and decommissioning 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), the *Heritage Act 1977* (Heritage Act) and the Conditions of Approval for the Project.

All Aboriginal heritage objects are protected under the NPW Act Under Part 6 of the Act, though in a State Significant Development Conditions of Consent (CoC) may be issued that allows for conditional harm to Aboriginal objects. There are some circumstances where despite undertaking appropriate heritage assessment prior to the commencement of works Aboriginal cultural heritage items or places are encountered that were not anticipated which may be of scientific and/or cultural significance.

Therefore, it is possible that unexpected heritage items may be identified during construction, operation, maintenance and decommissioning works. If this happens the following unexpected find protocol should be implemented to avoid breaching obligations under the NPW Act. This unexpected find protocol provides guidance as to the circumstances under which finds may occur and the actions subsequently required.

B.2 WHAT IS A HERITAGE UNEXPECTED FIND?

An unexpected heritage find is defined as any possible Aboriginal or 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:

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

B.3 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 of 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.

B.4 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.

B.5 UNEXPECTED FINDS MANAGEMENT PROCEDURE

In the event that any unexpected Aboriginal heritage places or objects or any substantial intact historic archaeological relics that may be of State or local significance are unexpectedly discovered during the Project, the following management protocols will be implemented. **Note: this process does not apply to human or suspected human remains. Follow Section B6 Human Skeletal Remains below if human remains or suspected human remains are encountered.**

1. Works within the immediate identified heritage location will cease. Personnel should notify their supervisor of the find, who will notify the project manager.
2. Establish whether the unexpected find is located within an area covered by approved Conditions of Consent or not.
3. **If the find it is determined to be covered under approved CoC undertake the following steps**
 - a. Establish an appropriate buffer zone of at least 20 metres to 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.
 - b. A heritage specialist or the project archaeologist will be engaged to assess the Aboriginal place or object encountered and undertake appropriate salvage of the site in line with the mitigation methods and approval requirements of the CoC. An AHIMS site card will be completed on the discovery of the newly identified Aboriginal objects / Aboriginal heritage items. Should the object(s) / heritage items be salvaged under the Conditions of Consent, an Aboriginal Site Impact Recording Form (ASIRF) must be completed and submitted to AHIMS. Salvage of Aboriginal heritage items would not include scarred trees. If previously unidentified scarred trees are identified, further consultation with the Biodiversity and Conservation Division (BCD) and Aboriginal stakeholders would need to be undertaken regarding management.
 - c. Following appropriate salvage of the unexpected find works may continue at this location
4. **If the unexpected find is not covered under the existing approved CoC undertake the following steps.**
 - a. All works at this location must cease.
 - b. An appropriate buffer zone of at least 20 metres to allow for the assessment and management of the find must be established. All site personnel will be informed about the buffer zone with no further works to occur.
 - c. A heritage specialist or the project archaeologist will be engaged to assess the Aboriginal place or object encountered. The Registered Aboriginal Parties (RAPs) may also be engaged to assess the cultural significance of the place or object.
 - d. The discovery of an Aboriginal object will be reported to the local BCD office and works will not recommence at the heritage place or object until advised to do so by BCD. A site card will be completed and submitted to AHIMS for registration.
 - e. If the unexpected find can be managed *in situ*, works at the location will not recommence until appropriate heritage management controls have been implemented, such as protective fencing.

- f. If the unexpected find cannot be managed *in situ*, works at the heritage location will not recommence until further assessment is undertaken and appropriate approvals to impact Aboriginal cultural heritage are confirmed.
5. For historic relics, work must cease in the affected area and the Heritage Council must be notified in writing. 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.

B.6 HUMAN SKELETAL REMAINS

If any human remains or suspected human remains are discovered during any works, all activity in the immediate area must cease immediately. The following plan describes the actions that must be taken in instances where human remains, or suspected human remains are discovered. Any such discovery at the activity area must follow these steps.

Discovery:

- If any human remains or suspected human remains are found during any activity, works in the **immediate vicinity must** cease and the Project Manager must be contacted immediately.
- The remains must be left in place and protected from harm or damage.
- All personnel should then leave the immediate vicinity of the area.

Notification:

- The NSW Police must be notified immediately. Details of the location and nature of the human remains must be provided to the relevant authorities.
- If there are reasonable grounds to believe that the remains are Aboriginal, the following must also occur;
 - a. The Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment must be contacted as soon as practicable and provide any available details of the remains and their location. The BCD's Environment Line can be contacted on 131 555;
 - b. The relevant project archaeologist may be contacted to facilitate communication between the police, BCD and Aboriginal community groups.

Process and Reporting:

- If the remains are considered to be Aboriginal by the Police and BCD no work can recommence at the particular location of the find unless authorised in writing by BCD.
- Recording of Aboriginal ancestral remains must be undertaken by, or be conducted under the direct supervision of, a specialist physical anthropologist or other suitably qualified person.
- Archaeological reporting of Aboriginal ancestral remains must be undertaken by, or reviewed by, a specialist physical anthropologist or other suitably qualified person, with the intent of using respectful and appropriate language and treating the ancestral remains as the remains of Aboriginal people rather than as scientific specimens.

If the remains are considered to be Aboriginal by the NSW Police and BCD, an appropriate management and mitigation, or salvage strategy will be implemented following further consultation with the Aboriginal community and BCD.