



Calala Battery Energy Storage System: Unexpected Finds Protocol

Prepared for The Trustee for Equis Energy (Australia) Ngumi 4 Holding Trust

31 October 2025

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1 Overview

Biosis Pty Ltd (Biosis) was commissioned by The Trustee for Equis Energy (Australia) Ngumi 4 Holding Trust to undertake archaeological heritage services, including the production of an unexpected finds protocol for works at Lot 3, 4 and 6 DP 244399 and Lot 16 and 17 DP 629969 (known as 474 Calala Lane, Calala) (Figure 1 and Figure 2).

The development footprint contains no Aboriginal sites registered on the Aboriginal Heritage Information Management System (AHIMS) database (Figure 3). There are also no listed historic heritage items within or in the immediate vicinity of the development footprint (Figure 4).

1.1 Recommendations and conditions to be addressed

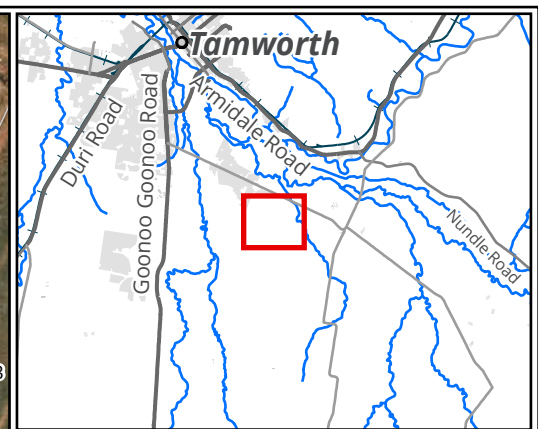
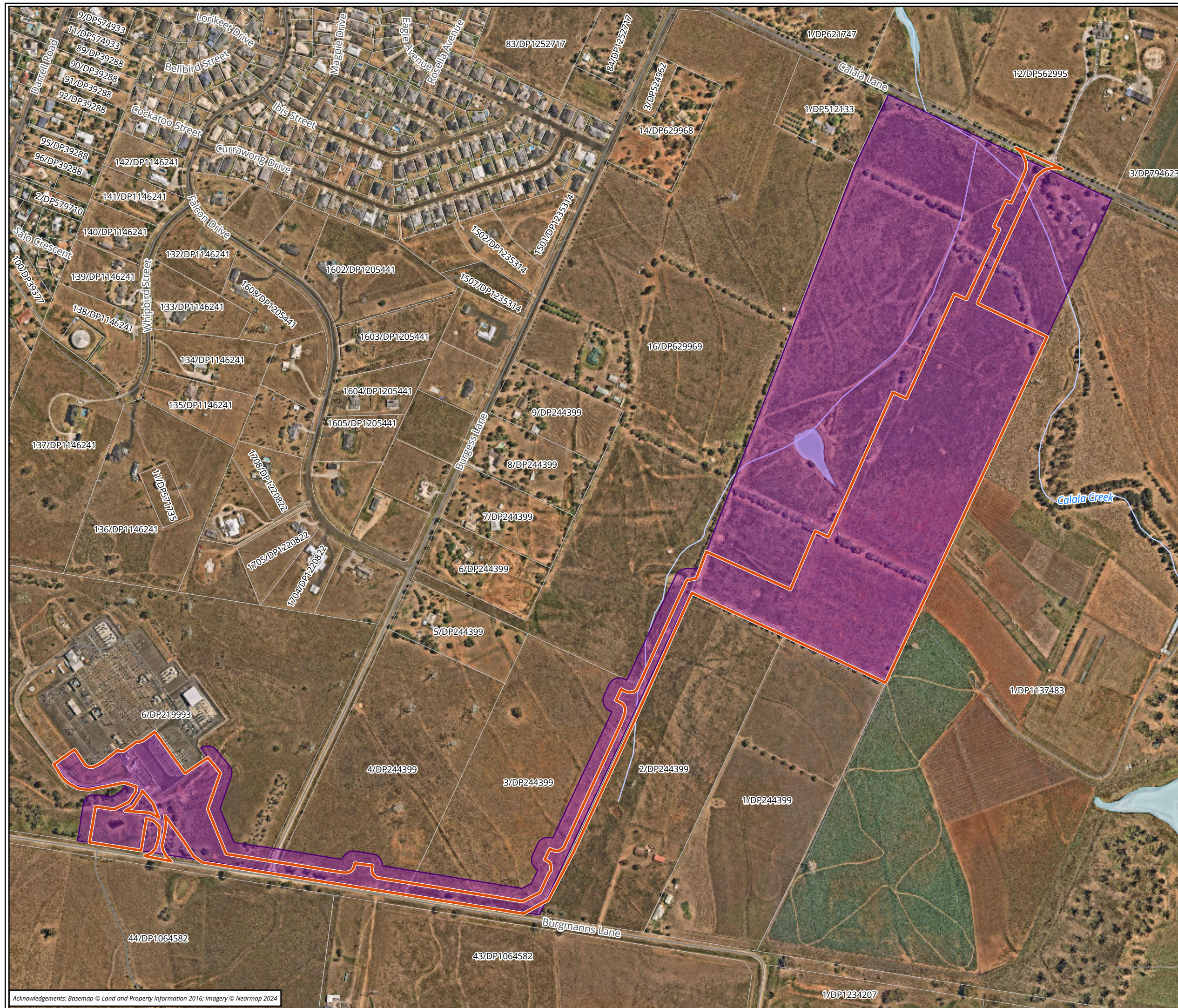
This unexpected finds protocol has been produced to meet recommendations 2 – 6 of the Aboriginal Cultural Heritage Assessment (ACHA) (Biosis 2023a), recommendation 2 of the Historical Archaeological Impact Statement (HAIS) (Biosis 2023b), and Condition B25 and B26 of State Significant Development (SSD) (SSD-52786213) approval. The ACHA (Biosis 2023a), HAIS (Biosis 2023b), and an addendum ACHA and HAIS letter (Biosis 2024) assessed a larger area, inclusive of the modified impact area. This study area was assessed as an SSD (SSD-52786213) under Part 4.7 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). See the ACHA (Biosis 2023a) and HAIS (Biosis 2023b) for more information on recommendations.

The conditions, outlined below, relate to the unexpected discovery of Aboriginal cultural material and historical relics. Should any unexpected Aboriginal items or relics be identified during work, the protocols below **must** be followed in order to ensure that works are in compliance with the *National Parks and Wildlife Act 1974* (NPW Act) and *Heritage Act 1977* (Heritage Act).

Table 1 Relevant conditions for the study area

Condition	Requirements
B25	<i>The Applicant must ensure the development does not cause any direct or indirect impacts on Aboriginal heritage items located outside the approved development footprint.</i>
B26	<i>Prior to the commencement of construction, the Applicant must prepare a Chance Finds Protocol for the development in consultation with Aboriginal Stakeholders, and reviewed by Heritage NSW. Following approval, the Applicant must implement the Chance Finds Protocol.</i>

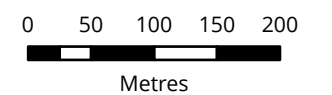




Legend

 Study area
 Modified site boundary
 Lot

Figure 2 Development footprint detail

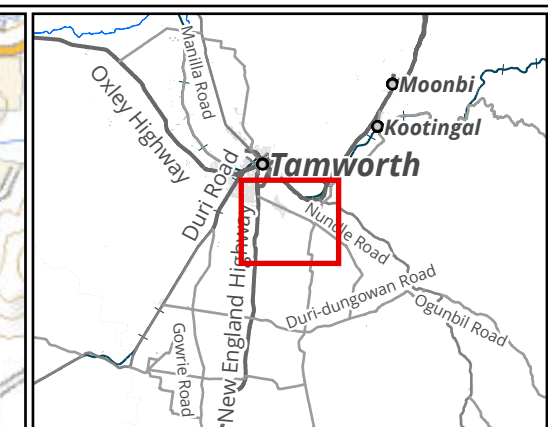
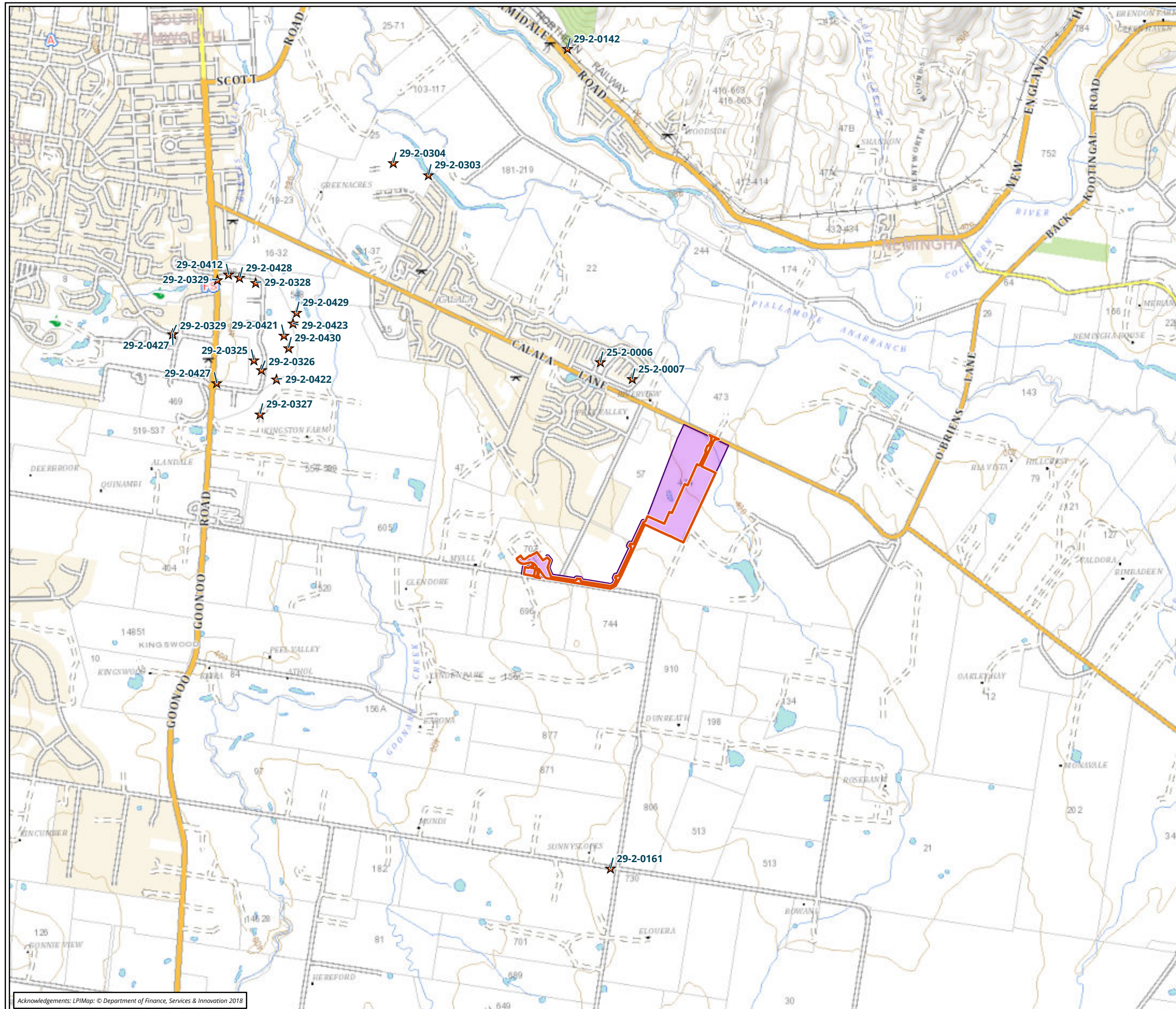


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GDA2020 MGA Zone 56



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Prepared for: BB, Prepared by: OW, Last edited by: owilliams
Location: [P:\43700s\43732\Mapping\43732_Calala_BESS_HER_UnexpectedFinds_Updates](#),
Layout: 41066_F2_StudyArea

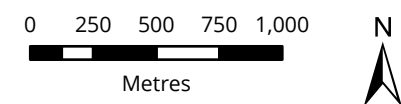
Acknowledgements: Basemap © Land and Property Information 2016; Imagery © Nearmap 2024



- Legend**
- Study area
 - Modified site boundary
 - AHIMS

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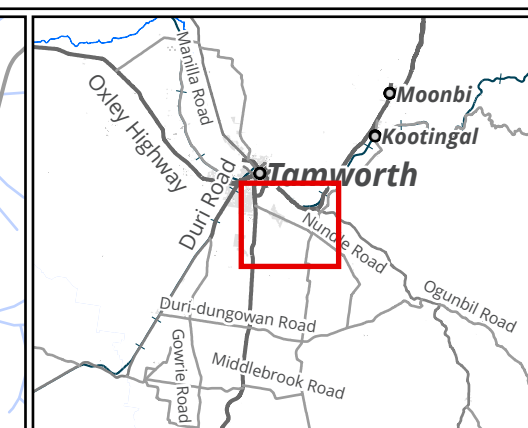
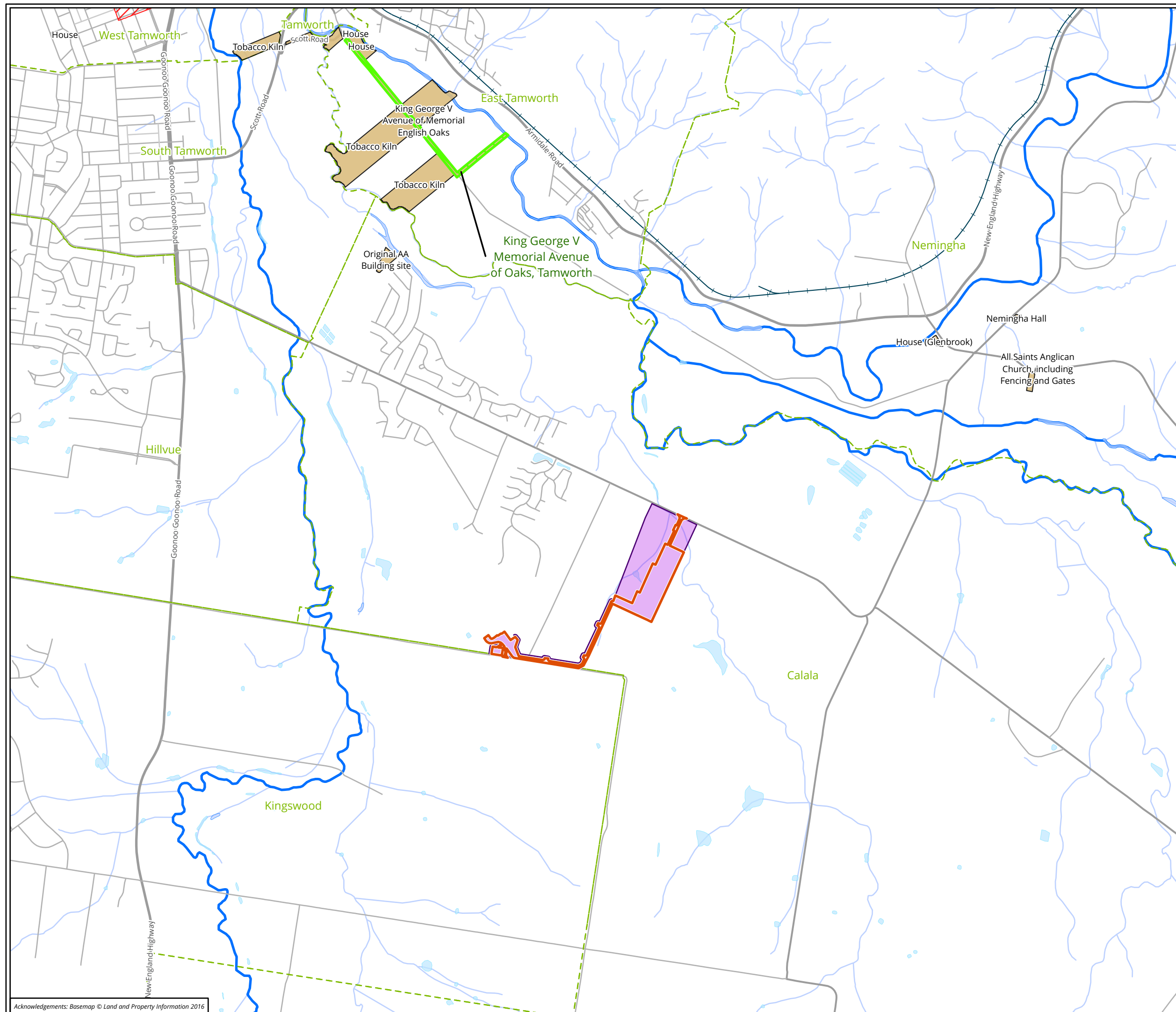
Figure 3 AHIMS sites within the vicinity of the development footprint



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Legend

- Study area
- Modified site boundary
- State heritage item
- Local Environmental Plan**
- Conservation Area - General
- Item - General

Figure 4 Heritage items in the vicinity of the development fotoprint

0 250 500 750 1,000

Metres

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GDA2020 MGA Zone 56



APeM Group

Matter: 40460, Date: 29 October 2025,
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43732_Calala_BESS_HER_UnexpectedFinds_Updates
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2 Relevant legislation and guidelines

Legislation relevant to heritage management includes:

- EP&A Act.
- NPW Act.
- Heritage Act.

The main guidelines, specifications and policy documents relevant to the unexpected find protocol include:

- *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a).
- *Code of Practice for the Investigation of Aboriginal Objects in New South Wales 2010* (DECCW 2010b).
- *The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance* (Australia ICOMOS 2013) (non-statutory best practice guidelines).
- *Assessing Significance for Historical Archaeological Sites and 'Relics' Guide to Investigation* (NSW Heritage Branch, Department of Planning 2009).
- *Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (Office of Environment and Heritage, Department of Premier and Cabinet 2011).
- *Historical Archaeology Code of Practice* (Heritage Office & Department of Planning 2006).

2.1 Roles and responsibilities

2.1.1 Aboriginal heritage

All Aboriginal objects and Places are protected under Part 6 the NPW Act. It is an offence to disturb an Aboriginal site without a consent permit issued by Heritage NSW, Department of Climate Change, Energy, the Environment and Water (Heritage NSW). Table 2 sets out the offences related to harming an Aboriginal object.

Table 2 Summary of *National Parks and Wildlife Act 1974* offences*

Offence	Maximum Penalty: Individual	Maximum Penalty: Corporation
Section 86(1) A person must not knowingly harm or desecrate an Aboriginal object	2500 penalty units (\$275,000) or imprisonment for 1 year or both	10,000 penalty units (\$1,100,000)
	5000 penalty units (\$550,000) or imprisonment for 2 years or both (in circumstances of aggravation)	
Section 86(2) A person must not harm an Aboriginal object (strict liability)*	500 penalty units (\$55,000)	2000 penalty units (\$220,000)
	1000 penalty units (\$110,000) (in circumstances of aggravation)	
Section 86(4) A person must not harm or desecrate an Aboriginal place (strict liability)	5000 penalty units (\$550,000) or imprisonment for two years or both	10,000 penalty units (\$1,100,000)

Offence	Maximum Penalty: Individual	Maximum Penalty: Corporation
Section 89A Failure to notify DPIE of the location of an Aboriginal object	100 penalty units (\$11,000); in the case of a continuing offence, a further maximum penalty of 10 penalty units (\$1100) for each day the offence continues	200 penalty units (\$22,000); in the case of a continuing offence, a further maximum penalty of 20 penalty units (\$2200) for each day the offence continues
Section 90J Contravention of any condition of an AHIP	1000 penalty units (\$110,000) or imprisonment for 6 months, or both; In the case of a continuing offence, a further penalty of 100 penalty units (\$11,000) for each day the offence continues	2000 penalty units (\$220,000); in the case of a continuing offence, a further penalty of 200 penalty units (\$22,000) for each day the offence continues
Section 156A(c) Damage any object or place of cultural value on or in land reserved or acquired under the NPW Act	1000 penalty units (\$110,000) or 6 months imprisonment, or both	10,000 penalty units (\$1,100,000)

*As taken from Table A.1 Operational Policy: Protecting Aboriginal cultural heritage Version 2, (DECC NSW 2011).

2.1.2 Historical heritage

Relics are historical archaeological resources of local or State significance and are protected in NSW under the Heritage Act. Relics cannot be disturbed without an Excavation Permit in accordance with Section 139 of the Heritage Act or Approval in accordance with Section 57 (if the relics are of State heritage significance or are part of a heritage item listed on the Stage Heritage Register). The Heritage Act imposes substantial penalty infringements and/or imprisonment for the unauthorised destruction of archaeological resources, regardless of whether or not such archaeological resources are known to exist on the site. Penalties for harm to a historical relic can consist of the following:

- A person guilty of an offence against the Heritage Act shall be liable to a penalty not exceeding 10,000 penalty units (one penalty unit is equal to \$110, therefore 10,000 units = \$1,100,000) or imprisonment for a period not exceeding 6 months, or both.
- A person guilty of an offence against the *Heritage Regulation 2012* shall be liable to a penalty not exceeding 50 penalty units (one penalty unit is equal to \$110, therefore 50 units = \$5,500).

2.2 Contacts

NSW Police Assistance Line	131 444
Heritage NSW	(02) 9873 8500
Site Manager	Johan Mouton – 0409 429 985
Project Manager	Johan Mouton – 0409 429 985
Principal	The trustee for Equis Energy (Australia) Ngumi 4 Holding Trust
Archaeologist	Anthea Vella – 0427 463 834

3 Consultation

3.1 Aboriginal community consultation

This Unexpected Finds Protocol was provided to the Registered Aboriginal Parties (RAPs) for review for 14 days (14 October 2024 – 28 October 2024). No comments were received during this time. A copy of the correspondence sent out is included in Appendix 2.

3.2 Agency consultation

The Unexpected Finds Protocol was provided to Heritage NSW on 25 November 2024. Minor comments were received on 6 December 2024 to amend the unexpected finds procedures. Minor comments were also received on 10 January 2025 from the Department of Planning, Housing and Infrastructure (DPHI). A copy of correspondence with Heritage NSW is included in Appendix 3 and is summarised in Table 3.

Table 3 Agency feedback

No.	Feedback raised	Description of change	Where addressed
1	Clearly define roles and responsibilities for the management of Unexpected Finds	Roles and responsibilities clearly identified in a table	Section 2.2
2	Increase no-go zone around any unexpected finds to at least 20m	No-go zone increased from 5m to 20m	Section 4.1& 4.2
3	Any unexpected finds to also be reported to compliance@planning.nsw.gov.au	Additional reporting obligation introduced for all unexpected finds	Section 4.1, 4.2& 4.3
4	Expand the first box in Chart 1 to show the rest of the wording	Updated the formatting	Section 4
5	Removal of study area from figures and replace with development footprint	Figures updated	Section 1.1

4 Unexpected finds procedures

This section details the procedures that should be followed in the event that unexpected Aboriginal, non-Aboriginal or human remains are found during works. In this section, Equis Energy Australia (Calala A1 Asset CT) Pty Ltd ACN 679 229 586 as trustee for Calala A2 Asset Trust or Equis Energy Australia (Calala A2 Asset CT) Pty Ltd ACN 679 229 586 as trustee for Calala A1 Asset Trust and may include any of their related bodies corporate (together, Equis), herein referred to as the Principal. Refer to Section 2.2 for the defined roles and contacts for the below procedures.

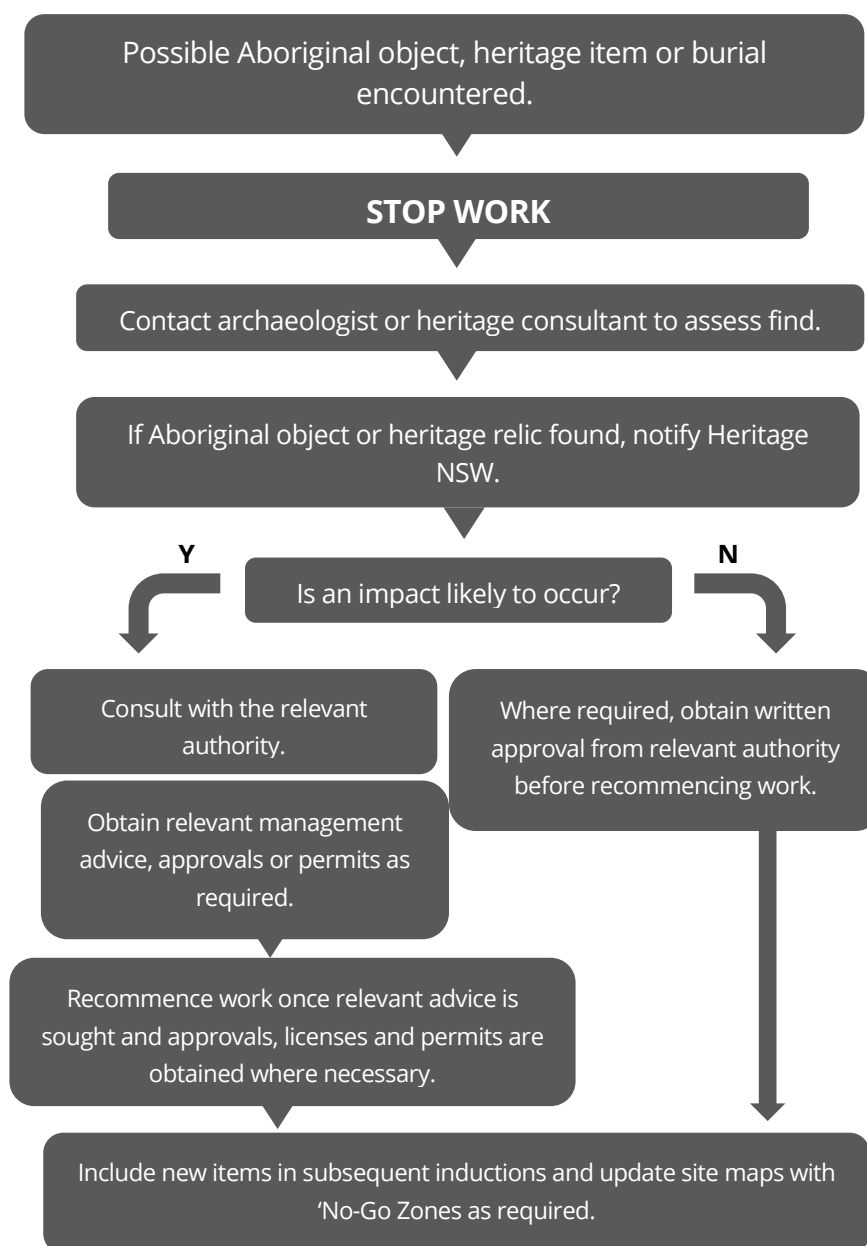


Chart 1 Unexpected find protocol flow chart

4.1 Discovery of unanticipated Aboriginal cultural material

In the event that unexpected Aboriginal objects or sites are located, an assessment will need to be made as to the significance of the object. Section 6 of the NPW Act defines an Aboriginal object 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...

An example of Aboriginal objects can be found in Appendix 1.

The following process is to be followed should any Aboriginal objects (or potential object) be encountered during works:

1. **Cease work** in the vicinity, the find should not be moved until assessed by a qualified archaeologist.
2. **Establish a no-go zone** within twenty metres of the unexpected find until the area can be inspected.
3. **Contact a qualified archaeologist.** The archaeologist will investigate to determine if the find is an Aboriginal object, the nature, extent and significance of the find. This will enable recommendations to be provided on how work can proceed and whether any further work is required. The archaeologist must supply written advice to the Project Manager stating:
 - a. Determination of whether the find is an Aboriginal object.
 - b. Advice on how the project is to proceed and whether the establishment of any no-go areas is necessary.
 - c. Recommendation on further works that may be required and timeframes for completion of these works.
4. **Contractor to notify the Principal** including a statement concerning the find, management measures implemented and notification of any further works arising.
5. **Principal to notify Heritage NSW and Aboriginal stakeholders** if required. This will include a statement concerning the find, management measures implemented and notification of any further works arising. Aboriginal stakeholders are to be involved in any further assessments or works as required. Heritage NSW can be contacted through the Environmental Line on 131 555 as soon as practical. Any unexpected finds to also be reported to compliance@planning.nsw.gov.au.

AND

Principal to register the site on AHIMS if required. If the find is determined to be an Aboriginal object a site card will need to be created on AHIMS. This will need to include the management outcome for the site.

6. **Hold works.** Works will not be able to recommence within the location of the find until written approval confirmation from Heritage NSW is obtained.

Information regarding the identification of Aboriginal site types and objects can be found in Appendix 1.

4.2 Discovery of unanticipated historical relics

Non-Aboriginal heritage remains may include archaeological 'relics' or other historical items (i.e. works, structures, buildings or movable objects). Section 4 of the Heritage Act defines a relic 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...

This includes non-Aboriginal human remains with heritage value. Headstones, grave enclosures, grave goods and associated objects may also be considered relics under the Heritage Act.

The following process must be followed with respect to unexpected historical heritage items:

1. **Immediately cease work in the vicinity** if any suspected historical heritage remains are encountered during works associated with this development. The find should not be moved until assessed by a qualified archaeologist.
2. **Secure the location** by cordoning off an appropriate exclusion zone within twenty metres of the unexpected find. A qualified archaeologist will assess the find.
3. **Photograph the find** and send the photograph to the project archaeologist.
4. **The project archaeologist will investigate** and assess the remains to determine the nature, extent and significance of the find. This will enable recommendations to be provided on how work can proceed and whether any further work is required. A site visit by the archaeologist to inspect the find may be required.
5. **Contractor to notify the Principal** including a statement concerning the find, management measures implemented and notification of any further works arising.
6. **Principal to notify Heritage NSW** in accordance with Section 146 of the Heritage Act if the find is a relic. This will include a statement concerning the find, its significance, and the established management measures to avoid further impact. Any unexpected finds to also be reported to compliance@planning.nsw.gov.au.
7. **Relevant approvals** may need to be obtained under the Heritage Act before works can recommence.
8. **An archaeological assessment and management strategy may be required** before further works can continue in that area. Depending on the results of the archaeological assessment and approvals required, Heritage NSW may need to provide written approval for the works to recommence.

Information regarding the identification of non-Aboriginal site types and objects can be found in Appendix 1.

4.3 Discovery of unanticipated human remains

Human remains may be found in a variety of landscapes in NSW. While no burials are recorded within the study area, there is the possibility that unrecorded burials may be present. The following contingency plan describes the actions that must be taken in instances where human remains, or suspected human remains are discovered. Any such discovery in the study area must follow these the following process:

1. **Immediately cease all work** at that location and not further move or disturb the remains.
2. **Establish a no-go zone** as appropriate until the area can be inspected. This will need to be established in consultation with NSW Police, Heritage NSW and if necessary, a qualified archaeologist.
3. **Notify the NSW Police** Assistance Line on 131 444. Tamworth Police Station (02) 6768 2999.
4. **Contractor to notify project archaeologist.**
5. **Contractor to notify the Principal** including a statement concerning the find, management measures implemented and notification of any further works arising.
6. **Principal to notify Heritage NSW** as soon as practicable. This will include a statement concerning the find, management measures implemented and notification of any further works arising. Heritage NSW can be contacted through the Environmental Line on 131 555. Any unexpected finds to also be reported to compliance@planning.nsw.gov.au.
7. **Notify Aboriginal stakeholders** if required. Aboriginal stakeholders are to be involved in any further assessments or works as required.
8. **Prepare Plan of Management.** Works in the vicinity of the find will only be able to commence once the plan of management has been established and approval has been obtained from all relevant parties.

5 References

Australia ICOMOS 2013, *The Burra Charter: the Australia ICOMOS Charter for Places of Cultural Significance*, Australia ICOMOS, Burwood, VIC.

Biosis 2020, *35-55 Tenth Avenue Austral Aboriginal Cultural Heritage Due Diligence Assessment*, Report prepared for Crownland. Authors: Tetlaw.M, Bridge.A, Biosis Pty Ltd, Sydney, NSW. Project no.31067.

Biosis 2023a, *Calala Battery Energy Storage System, Calala (SSD-52786213). Aboriginal Cultural Heritage Assessment.*, Report prepared for Equis Energy (Australia) Projects (NGUMI4) Pty Ltd as trustee for the Equis Energy (Australia) Ngumi 4 Asset Trust. Authors: Vella. A and Bridge. A, Biosis Pty Ltd, Newcastle, NSW. Project no. 37807.

Biosis 2023b, *Calala Battery Energy Storage System, Calala (SSD – 52786213): Historical Archaeological Impact Statement*, Report prepared for Equis Energy (Australia) Projects (NGUMI4) Pty Ltd as trustee for the Equis Energy (Australia) Ngumi 4 Asset Trust. Authors: Bridge. A, Vella. A and Bezzina. D, Biosis Pty Ltd, Newcastle, NSW. Project no. 38103.

Biosis Pty Ltd 2024, *ACHA and HAIS Addendum Letter for the Calala Battery Energy Storage System, Tamworth, NSW*, Letter prepared for Equis Energy (Australia) Projects (NGUMI4) Pty Ltd as trustee for the Equis Energy (Australia) Ngumi 4 Asset Trust. Author: Vella, A. Biosis Pty Ltd, NSW. Project number 40460/37807/38103.

DECC NSW 2011, 'Operational Policy: Protecting Aboriginal Cultural Heritage', <Department of Environment and Climate Change NSW, Sydney South, NSW.
<https://www.environment.nsw.gov.au/resources/cultureheritage/09122ACHOpPolicy.pdf>>.

DECCW 2010a, *Aboriginal Cultural Heritage Consultation Requirements for Proponents*, New South Wales Government Department of Environment and Climate Change., Sydney, NSW.

DECCW 2010b, 'Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW', <Department of Environment, Climate Change and Water NSW, Sydney, NSW.
<https://www.environment.nsw.gov.au/research-and-publications/publications-search/code-of-practice-for-archaeological-investigation-of-aboriginal-objects-in-nsw>>.

Heritage Office & Department of Planning 2006, 'Historical Archaeology Code of Practice'.

NSW Heritage Branch, Department of Planning 2009, 'Assessing Significance for Historical Archaeological Sites and "Relics"',
<<https://www.environment.nsw.gov.au/resources/heritagebranch/heritage/ArchSignificance.pdf>>.

Office of Environment and Heritage, Department of Premier and Cabinet 2011, 'Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW', <Office of Environment and Heritage, Department of Premier and Cabinet>.

Appendix 1 Basic heritage object identification

Identification of Aboriginal objects and site types



Photo 1 Isolated stone artefact

Stone artefacts are any items of stone material made or modified by people, including any debris left behind when such tools were made. Materials used to make stone artefacts may be found locally or traded across long distances.



Photo 2 Stone artefact scatter

Stone artefact scatter sites comprise groups of stone tools, debris and the tools used in manufacture (i.e. stone anvils and hammerstones). Artefact scatters can range from high-density concentrations of flaked stone and ground stone artefacts to sparse, low-density 'background' scatters and isolated finds.



Photo 3 Shell midden

Shell middens are the remains of food production and processing areas, where people would have sat down to eat, cook or prepare food. Shell middens occur commonly in coastal areas: however, they also occur near inland watercourses where freshwater mussels and other edible mollusc species may be present.



Photo 4 Modified tree

A modified tree is any tree from which the bark has been cut or harvested for the manufacture of containers (coolamon), canoes, shields, weapons and medicines. Scarring also occurred where toeholds were cut to allow people to climb trees to hunt possums, reptiles, birds or harvest wild honey.



Photo 5 Aboriginal gathering and resource location

Resource gathering locations are places where food, medicines and plant material used as twine, in weaving or tool making by Aboriginal people exist. Many such locations are still accessed by contemporary Aboriginal people.



Photo 6 Hearth

A hearth is the remains of a campfire, an oven or other food cooking and processing areas. Hearths commonly contain baked clay, termite mound fragments broken up and used as 'heat retainers', small stones used in cooking, charcoal, burnt bone, shell and other food remnants.



Photo 7 Waterhole

A waterhole is a source of fresh water for Aboriginal groups which may have traditional ceremonial or dreaming significance. May also be used to the present day as a resource gathering place (e.g. waterbirds, eels, clays, reeds etc).



Photo 8 Grinding grooves

Grooves created in stone platforms through ground stone tool manufacture.

Burials

Burials comprise any traditional Aboriginal human skeletal remains, intact or fragmentary. If any suspected human remains are encountered, the procedure set out in Section 4.3 must be followed.

Identification of historical heritage items

Non-Aboriginal heritage items may include archaeological 'relics' or other historical items (i.e. works, structures, buildings or movable objects). Historical relics can consist of single items, dense archaeological deposits, built structures (timbers, stone and/or brick) and landscapes. Historical heritage items/objects can consist of the following materials:

- Ceramic.
- Glass.
- Organic material.
- Leather.
- Metal.
- Synthetic.



Photo 9 Ceramic plate fragments



Photo 10 Glass artefacts



Photo 11 Ceramic artefacts



Photo 12 Cesspit filled with ash



Photo 13 A drainage system incorporating historical and modern drains



Photo 14 Wall footings (stone/sandstone)



Photo 15 Historic well



Photo 16 Beehive well



Photo 17 Dense artefact deposits

Appendix 2 Aboriginal community consultation

This Unexpected Finds Protocol was provided to the RAPs for review for 14 days (14 October 2024 – 28 October 2024). No comments were received during this time.

A copy of the correspondence provided is included following this table.

No.	Organisation contacted	Date and type of contact	Date and type of response	Response details
1	Tamworth Local Aboriginal Land Council	14/10/2024, email	-	-
2	Gomeroi Applicant c/o NTSCorp	14/10/2024, email	-	-
3	Confidential Party #1	14/10/2024, email	-	-
4	Confidential Party #2	14/10/2024, email	-	-
5	Didge Ngunawal Clan	14/10/2024, email	-	-
6	AT Gomilaroi Cultural Consultancy	14/10/2024, email	-	-
7	Konanggo Aboriginal Cultural Heritage Services	14/10/2024, email	-	-
8	RAW Cultural Healing	14/10/2024, email	-	-
9	Rona Slater	14/10/2024, email	-	-
10	Thomas E Dahlstrom	14/10/2024, email	-	-
11	Vicky Duncan	14/10/2024, email	-	-
12	D F T V Enterprises	14/10/2024, email	-	-

Appendix 3 Agency consultation

The Unexpected Finds Protocol was provided to Heritage NSW on 25 November 2024. Minor comments were received on 6 December 2024 to amend the unexpected finds procedures.

Minor comments were received on 10 January 2025 from DPHI to amend the figures and formatting.