



Beresfield BESS Chance Finds Protocol

Details of Aboriginal sites and associated consultation records have been removed from this publicly available version of the document to protect culturally sensitive information.

Applicable to:	Beresfield Battery Energy Storage System
Process Owner:	Site Project Manager
Status:	REDACTED PUBLIC DISPLAY VERSION
Date of issue:	19 February 2026

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Definitions

Aboriginal Stakeholders	Aboriginal stakeholders registered for cultural heritage consultation for the development
AHIP	Aboriginal Heritage Impact Permit
Aboriginal Object	Any deposit, object or material evidence (that is not a handcraft made for sale) relating to Aboriginal habitation of New South Wales, before or during the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.
Aboriginal Place	A location in New South Wales that is declared by the Minister to be an Aboriginal place for the purposes of section 84 of the NPW Act.
Aboriginal Site	A location where one or more Aboriginal objects are found, or where there is evidence of past Aboriginal activity. An Aboriginal site may include artefact scatters, isolated artefacts, rock shelters, scarred trees, middens, quarries, or ceremonial places. The term is commonly used in heritage practice but is not defined under the NPW Act.
Applicant	Beresfield Bess Pty Ltd, or any person who seeks to carry out the development approved under the Development Consent.
Chance Find	Any discovery of a potential Aboriginal Object in connection with development carried out for the Project which is not covered by the Development Consent or any other approval under the <i>NPW Act</i> (e.g., an AHIP).
Development Consent	Development Consent number SSD 31940756 for the Project.
Development Footprint	The area shown as the Development Footprint in Appendix 1 of the Development Consent.
EIS	The Environmental Impact Statement for Beresfield Battery Energy Storage System, dated 17 May 2023, Submissions Report dated 5 October 2023 and the additional information dated 20 and 26 October 2023.
Harm	Destroying, defacing, or damaging an Aboriginal object. Moving an Aboriginal object from the land on which it has been situated. Causing or permitting the object to be harmed in any way.
NPW Act	<i>National Parks and Wildlife Act 1974</i> (NSW).
Heritage NSW	Formerly Office of Environment and Heritage (OEH). Now Heritage NSW as part of the Department of Planning, Housing and Infrastructure.
Project	The Beresfield BESS Project authorised under the Development Consent
SSD	State Significant Development



1.0 Introduction

The Beresfield Battery Energy Storage System (BESS) Project is State Significant Development (SSD) authorised under the Development Consent granted by a delegate of the Minister on 22 December 2023 under the *Environmental Planning and Assessment Act 1979* (EP&A Act).

The Development Consent authorises the carrying out of the Project generally in accordance with the EIS. The EIS included an Aboriginal Cultural Heritage Assessment Report (ACHAR) (OzArk Environment & Heritage Pty Ltd, 2023).

The Project is proposed to be carried out by Beresfield BESS Pty Ltd which is now owned by AGL (AGL) as a consequence of AGL's acquisition of Firm Power.

2.0 Purpose

This document has been prepared to comply with Conditions B22 and B23 of the Development Consent and to implement the commitments described in the EIS, as outlined in Table 1 below.

Table 1 Consent conditions

Development Consent Conditions
<p>Condition B22</p> <p>The Applicant must ensure the development does not cause any direct or indirect impacts on Aboriginal heritage items located outside the approved development footprint.</p>
<p>Condition B23</p> <p>Prior to the commencement of construction, the Applicant must prepare a Chance Finds Protocol for the development in consultation with Aboriginal Stakeholders, and to the satisfaction of Heritage NSW. Following approval, the Applicant must implement the Chance Finds Protocol.</p>
EIS Commitments
<p>Following development consent of the proposal, the proposed work may proceed with caution. In the unlikely event that unexpected Aboriginal heritage items are encountered during works, the unanticipated finds protocol must be enacted, including appropriate procedures to be undertaken in the unlikely event that human remains are encountered.</p>
<p>All land-disturbing activities must be confined to within the study area. Should the parameters of the proposed work extend beyond this, then further archaeological assessment will be required.</p>
<p>All staff and contractors involved in the proposed work should be made aware of the legislative protection requirements for all Aboriginal heritage items.</p>

3.0 Application of this document

This document applies to all development carried out for the Project. It must be followed by all AGL personnel, including staff, contractors, subcontractors, and any other third parties.

The Development Footprint for the Project is shown in Figure 1. It comprises an irregularly shaped, approximately 4.3 hectare (ha), parcel of land located between the New England Highway and Weakleys Drive in an industrial area about 1.2 kilometres (km) west of the town of Beresfield.

The majority of the Development Footprint has been previously disturbed by the construction and operation of a substation.

Commented [KWM1]: It is important to note that AGL is required to consult with Aboriginal Stakeholders on this Chance Finds Protocol and then satisfy Heritage NSW.

Commented [LP2R1]: Arianna and Amelia, please confirm if this consultation has occurred? Submission of this document under condition B23 to Heritage NSW should not occur until completion of such consultation (and recognition of such in the body of this report).

Commented [AH3R1]: Aecom will send this to aboriginal stakeholders for 30 days & then they will update the document for issue via the portal to Heritage NSW.

Commented [KWM4]: Moved to definitions section

Commented [KWM5]: Moved to below Figure 1

Figure 1 Development Footprint



Commented [KWM6]: Suggest this figure be amended to show the approved Development Footprint as shown in Appendix 1 of the Development Consent, with the identified artefact site.

Commented [G07R6]: Project area shown on the figure mirrors that shown in Appendix 1 of the consent and the site marked with green boundary. Label has been updated to "Development Footprint"

4.0 Known Aboriginal Objects or Aboriginal Places

There are no known Aboriginal Objects or Aboriginal Places within the Development Footprint.

5.0 Known Aboriginal social/cultural heritage values

Registered Aboriginal Parties (RAPs) consulted as part of the ACHAR did not identify any specific social or cultural values associated with the land within the Development Footprint. However, the strong cultural values of the local Aboriginal community towards landscapes and cultural heritage sites were recognised.

6.0 Protection of Aboriginal Sites outside the Development Footprint

Consistent with Condition B22 of the Development Consent, the Applicant must ensure the development does not cause any direct or indirect impacts on Aboriginal heritage items located outside the approved Development Footprint.

It is noted that previously recorded Aboriginal Site (38-4-0798) is located outside of the Development Footprint. Site 38-4-0798 will be protected by existing security fencing.

Further, to avoid inadvertent impacts, all AGL personnel, contractors, and on-site staff will be made aware of the presence of this site and of the legislative protection requirements for all Aboriginal heritage items under the NPW Act.

7.0 Chance Finds Protocol

7.1 Management of Chance Finds (excluding skeletal/human remains)

In the event of a Chance Find of a potential Aboriginal Object within the Development Footprint, the following procedure is to be followed (see Appendix A for flowchart and Appendix B for examples of Aboriginal objects):

1. **Stop all work** within the immediate vicinity and Contractor to immediately notify the AGL Project Manager.
2. The Contractor must establish and inform all Site personnel of an appropriately sized "no-go" zone around the Chance Find (e.g., with high visibility temporary fencing, warning tape, and/or signs). No ground disturbing work may be undertaken in the no-go zone.
3. As soon as practicable, the AGL Project Manager must engage a suitably qualified Aboriginal heritage consultant to identify whether the Chance Find is an Aboriginal Object.
4. If the Aboriginal heritage consultant confirms in writing that the Chance Find is not an Aboriginal Object, then works can recommence and the "no-go" zone can be removed and works can proceed.
5. If the Aboriginal heritage consultant determines that the Chance Find is, or could be, an Aboriginal Object, then the "no-go" zone is to remain, subject to any adjustments made in accordance with written advice from the Aboriginal heritage consultant.
6. If the Chance Find is determined to be an Aboriginal Object the heritage consultant must follow the following procedure:
 - a. Prepare a written letter of advice that: a) describes the find, including its nature, extent, context; and b) provides both an assessment of its significance and recommended management actions
 - b. Complete any statutory notification requirements required under the NPW Act 1974
 - c. Notify Heritage NSW and RAPs of the discovery and proposed management actions
 - d. Confirm whether the Development Consent or any approved management plans impose additional requirements
 - e. Coordinate or oversee any required management actions

Commented [AB8]: [Williams Street](#) Please confirm you agree with my thoughts below in relation to responsibilities

Commented [AB9]: Do we need a roles and responsibilities section? We need to identify the difference with what is a principal contractor responsibility and what is an AGL responsibility. We might just need to refer to the EMS?

Commented [KWM10]: As a stylistic point, some of the clearest "Chance Finds" protocols visually represent the steps or present the steps in a table to improve readability and clarify responsibility for each action.

Commented [GO11R10]: A flowchart has been added for clarity

Commented [AB12]: Not clear whether this is contractor or AGL related. Should be the contractor role

Commented [AB13]: This one would be contractor

Commented [AB14]: This one should be AGL

- f. Provide clear instructions on when works may resume, including defining the required 'no go' zone and the conditions for lifting it
 - g. Document the findings and actions in a brief follow-up email or report.
7. The advice must be reviewed by the AGL Project Manager and modified by the Aboriginal heritage consultant to take into account feedback.
 8. The advice must be implemented by the Contractor and AGL Project Manager and any statutory approvals must be obtained prior to harming Aboriginal Objects.
 9. Once any further actions have been completed consistent with the advice of the Aboriginal heritage consultant, the AGL Project Manager may provide written clearance to recommence all work. Works must then be completed in accordance with all relevant statutory approvals.

7.2 Management of potential or definite human skeletal remains

In the event that potential or confirmed human skeletal remains are identified within the Development Footprint during construction, the following procedure is to be followed:

1. Stop all work within the immediate vicinity and immediately notify the AGL Project Manager.
2. The Contractor must establish and inform all Site personnel of an appropriately sized "no-go" zone around the Chance Find (eg with high visibility temporary fencing, warning tape, and/or signs). No ground disturbing work may be undertaken in the no-go zone.
3. If it is readily apparent that the material is human, then the AGL Project Manager must immediately inform NSW Police (as required by law).
4. As soon as practicable, the AGL Project Manager must engage a suitably qualified specialist in human skeletal remains (eg a forensic or physical anthropologist) to determine the origin, ancestry (Aboriginal or non-Aboriginal) and antiquity (pre-contact, historic or modern) of any remains.
5. If the engaged specialist confirms that the skeletal material is human, then the AGL Project Manager must inform NSW Police as soon as practicable (if this has not already been done under step 3). It should be assumed that the police will take command of the site until otherwise directed.
6. If it is suspected that the remains are Aboriginal, then
 - a. The discovery must be reported to the Commonwealth Minister under section 20(1) of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth). The Commonwealth Minister would then be required to take reasonable steps to consult with Aboriginal Stakeholders who have an interest in the remains with a view to determining the proper action to be taken under section 20(2) of the *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (Cth); and
 - b. The AGL Project Manager is to notify and consult with Heritage NSW and Aboriginal Stakeholders.
7. If it is suspected that the remains are historic (non-Aboriginal), then the AGL Project Manager must notify Heritage NSW.
8. The AGL Project Manager must then identify what further actions are required taking into account, to the extent relevant:
 - a. advice from suitably qualified consultants (eg a heritage consultant and/or forensic or physical anthropologist);
 - b. consultation with NSW Police, Heritage NSW, the Commonwealth Minister and/or Aboriginal Stakeholders; and
 - c. any applicable legislation and guidelines.
10. Once any further necessary actions have been completed, the AGL Project Manager may provide written clearance to recommence all work. Works must then be completed in accordance with all relevant statutory approvals.

8.0 Consultation

This document has been prepared in consultation with RAPs. A copy of this document was provided to RAPs on 26 November 2025, with comments requested by 24 December 2025, allowing a 28-day review period. RAP responses to the draft Chance Finds Protocol are provided in Appendix C.

Commented [AB15]: AGL responsibility

Commented [AB16]: Implementation is contractor, statutory approvals is AGL

Commented [KWM17]: While this was phrased as a "general guide", we suggest it is not necessary in this document to provide this detail, which is not typical of Chance Finds Protocols in NSW.

Commented [AB18]: Contractor

Commented [AB19]: Contractor

Commented [AB20]: Contractor and would update AGL

Commented [AB21]: AGL responsibility

Commented [AB22]: AGL?

Commented [AB23]: AGL

Commented [AB24]: Both AGL

Commented [KWM25]: This need not be covered by the Chance Finds Protocol.

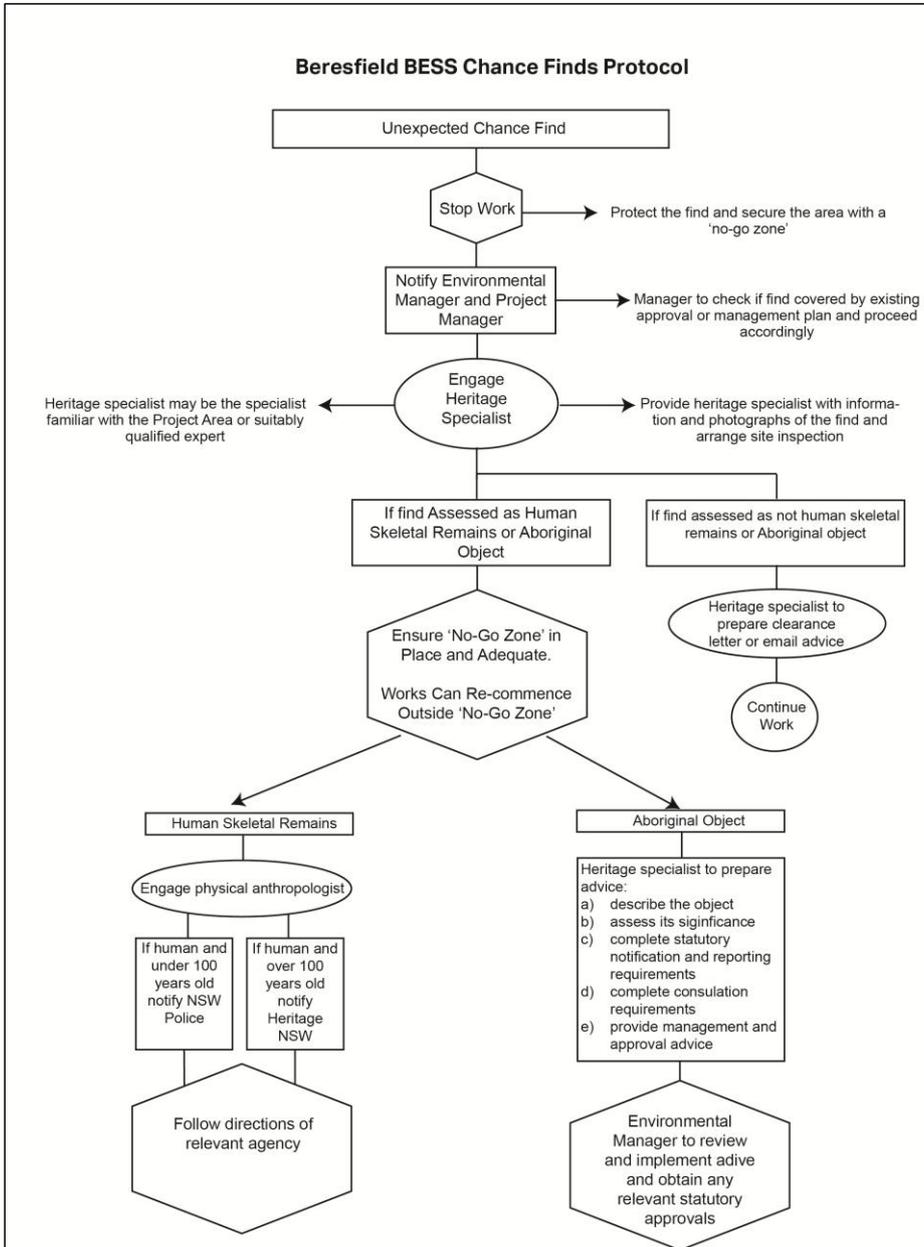
Commented [KWM26]: This need not be covered by the Chance Finds Protocol.

Commented [KWM27]: In finalising this document, a new section should be inserted to confirm that the required consultation has taken place.

Commented [LP28R27]: Arianna and Amelia, see my comment above.

Commented [GO29R27]: A standard consultation section has been added to reflect HNSW expectations (i.e. 28 days response period) and an Appendix where the responses can be documented.

9.0 Appendix A - Chance Finds Protocol Flowchart



10.0 Appendix B - Examples of Aboriginal Objects

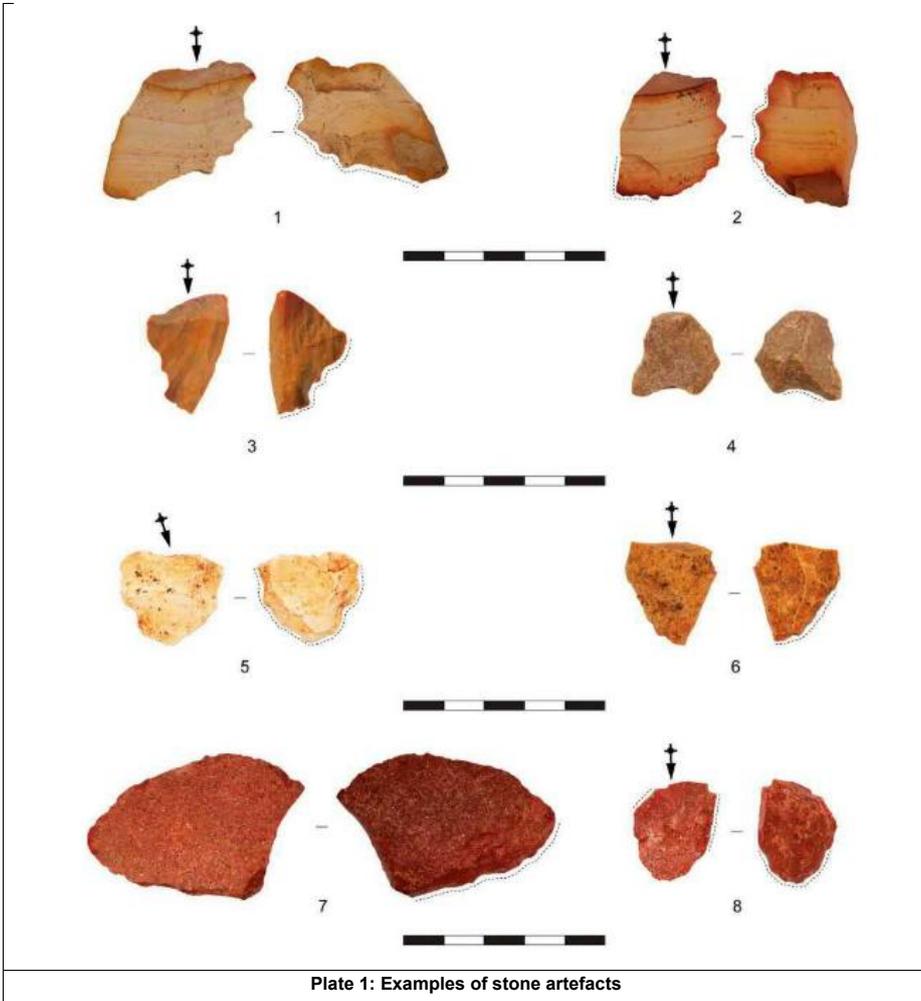




Plate 2: Example of modified tree



Plate 3: Example of grinding grooves



Plate 4: Example of shell material (midden)



Plate 5: Example of rockshelter



Plate 6: Example of stone arrangement

11.0 Appendix C – RAP Responses to Draft Chance Finds Protocol

This appendix has been removed from this publicly available version of the document to protect culturally sensitive information and consultation records.