



Liddell Power Station Decoupling Works

Aboriginal Cultural Heritage Management Plan

22-Aug-2022

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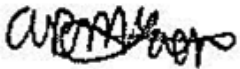
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1.0 Introduction

1.1 Background

Liddell Power Station is a coal-powered thermal power station operated by AGL Macquarie. The power station is located on the New England Highway approximately 15 kilometres (km) south of Muswellbrook township, in the upper Hunter Valley of NSW. On 8 March 2022, AGL Macquarie was granted Development Consent by the NSW Department of Planning, Industry and Environment (**DPE**) for the Liddell Battery and Bayswater Ancillary Works Project (SSD-8889679) (the Project), a State Significant Development (**SSD**) encompassing a series of upgrades to the power station. These upgrades are to facilitate the efficient, safe and reliable continuation of electricity generating works until the facility is retired in 2035. Upgrades include:

- **The Battery:** A grid connected Battery Energy Storage System (**BESS**) with capacity of up to 500 megawatt (**MW**) and two gigawatt hours (**GWh**)
- **Decoupling works:** Alternative network connection arrangements for the Liddell 33 kilovolt (**kV**) switching station that provides electricity to infrastructure required for the ongoing operation of Bayswater and associated ancillary infrastructure and potential third-party industrial energy users
- **Bayswater Ancillary Works (BAW):** Works associated with Bayswater which may include upgrades to ancillary infrastructure such as pumps, pipelines, conveyor systems, roads and assets to enable maintenance, repairs, replacement, expansion or demolition
- **Consolidated consents:** A modern consolidated consent for the continued operation of Bayswater through the voluntary surrender and consolidation into this application of various existing development approvals required

Condition B29 of the Development Consent requires the preparation of an Aboriginal Cultural Heritage Management Plan (**ACHMP**) for the works. This ACHMP has been prepared for the decoupling works component of the upgrades (the 'ACHMP Area', Figure 1).

1.2 Purpose and Scope

The purpose of this ACHMP is to detail the statutory requirements associated with managing Aboriginal cultural heritage values within the ACHMP Area as well as provide a management framework to guide management of these values. This ACHMP is one of a series of Environmental Management Plans that together form the Environmental Management System for the area.

As noted above, this ACHMP only applies to the decoupling works component of SSD-8889679. AGL Macquarie will not commence construction within the ACHMP Area until the ACHMP has been approved by the Planning Secretary.

1.3 Objectives

The objectives of this ACHMP are to:

- ensure compliance with the relevant operating conditions of SSD-8889679
- detail all relevant statutory requirements associated with Aboriginal cultural heritage values and the decoupling works component of SSD-8889679
- provide protocols to protect, monitor and manage Aboriginal cultural heritage values within the ACHMP Area
- detail measures to be implemented if any new Aboriginal objects, places or potential human skeletal remains are found
- provide a protocol for ongoing consultation with Registered Aboriginal Parties (RAPs)

- provide a protocol for reasonable access to Aboriginal objects and places (outside of the approved ACHMP Area)
- detail the Aboriginal cultural heritage training requirements for relevant personnel
- detail the procedure for reporting Aboriginal cultural heritage related incidents and non-compliances to relevant stakeholders
- manage complaints related to Aboriginal cultural heritage in a timely and effective manner.

1.4 Decoupling Works

The decoupling component of SSD-8889679 includes alternative network connection arrangements for the Liddell 33 kv switching station. The purpose of the work is to provide electricity to infrastructure that is required for the ongoing operation of Liddell Power Station and associated ancillary infrastructure, as well as potential third-party industrial energy users.

Construction activities associated with the decoupling works would likely involve the following:

- installation and maintenance of environmental controls including temporary and permanent water management infrastructure
- establishment of a new access from the existing Liddell access roads
- establishment of a hardstand pad and construction laydown areas
- delivery installation and fit out of transformers and ancillary equipment for decoupling works
- testing and commissioning activities
- removal of construction equipment and rehabilitation of construction areas.

1.5 Roles and Responsibilities

The relevant roles and responsibilities associated with this ACHMP are provided in Table 1.

Table 1 Roles and responsibilities

Position	Responsibilities
General Manager	<ul style="list-style-type: none"> • Provide adequate resources for the implementation of this ACHMP.
Environment Business Partner	<ul style="list-style-type: none"> • Oversee the implementation of this ACHMP • Notify regulatory authorities and affected stakeholders of incidents in accordance with this ACHMP. • Coordinate ongoing RAP consultation. • Coordinate periodic reviews of this ACHMP. • Facilitate training of all employees and contractors in accordance with this ACHMP.
Environment	<ul style="list-style-type: none"> • Assist the Manager as required in the implementation of this ACHMP. • Manage and coordinate reasonable access for the Aboriginal community. • Coordinate investigations of Aboriginal cultural heritage related incidents or complaints. • Coordinate the management of records required under this ACHMP. • Provide training to all relevant personnel.
Supervisors	<ul style="list-style-type: none"> • Participate in awareness training when working near Aboriginal heritage sites. • Assist the Environment and Community Coordinator with investigations into non-compliances, incidents or complaints.
All Personnel	<ul style="list-style-type: none"> • Undertake works in accordance with the objectives and principles of this ACHMP.

Position	Responsibilities
	<ul style="list-style-type: none"> All workers prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal Places will receive suitable Aboriginal cultural heritage training.

1.6 Authorship

Geordie Oakes (Principal Heritage Specialist, AECOM) was the primary author of this ACHMP. Geordie holds a Bachelor of Arts (Honours) degree in historic and prehistoric Archaeology from Sydney University and a Graduate Certificate in Paleo-anthropology from the University of New England. Geordie has over 15 years of Australian Aboriginal cultural heritage management experience. Geordie's CV is attached as Appendix A.

1.7 Document Structure

This document is structured as follows:

- **Section 2** provides the regulatory requirements and legislative framework for the management of Aboriginal heritage values within the ACHMP Area
- **Section 3** provides a summary of Aboriginal cultural heritage values within the ACHMP Area
- **Section 4** details the management of known Aboriginal cultural heritage values within the ACHMP Area
- **Section 5** details the management procedure for previously unrecorded Aboriginal heritage values within the ACHMP Area
- **Section 6** provides a summary of the Aboriginal community engagement undertaken in the development of this ACHMP
- **Section 7** provides a summary of the regulator consultation undertaken in the development of this ACHMP
- **Section 8** outlines the processes which are to be implemented in the event of a non-compliance or complaint;
- **Section 10** provides the monitoring and auditing process
- **Section 11** provides details for heritage inductions for site contractors/employees
- **Section 12** provides references cited in this ACHMP.

Figure 1 ACHMP Area



2.0 Regulatory Requirements

2.1 Development Consent Requirements

This ACHMP sets out the procedures for the management of Aboriginal cultural heritage values within the ACHMP Area. It has been prepared to satisfy Condition B22 of SSD-8889679, as well as commitments in the Environmental Impact Statement (EIS) prepared for the Project. Relevant Consent Conditions and EIS commitments are listed in Table 2.

Table 2: ACHMP requirements and where addressed

Condition	Recommendation/Commitment/Condition	ACHMP Section
Development Consent Conditions – Aboriginal Heritage		
Protection of Heritage Items		
<i>Schedule. 2 B18</i>	The Applicant must ensure the development does not cause any direct or indirect impacts on the Aboriginal heritage items located outside the development footprint.	Section 3.8
<i>Schedule. 2 B19</i>	If any previously unknown Aboriginal object or place is identified on site, or suspected to be on the site: (a) all work in the immediate vicinity of the potential Aboriginal object must cease immediately; (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and (c) Heritage NSW must be contacted as soon as practicable.	Section 3.3
<i>Schedule. 2 B20</i>	Work in the immediate vicinity of the Aboriginal object may only recommence if: (a) the potential Aboriginal object is confirmed by Heritage NSW, in consultation with the Registered Aboriginal Parties, not to be an Aboriginal object or Aboriginal place; (b) the Cultural Heritage Management Plan is revised to include the Aboriginal object and appropriate measures in respect of it; or (c) the Planning Secretary is satisfied with the measures to be implemented in respect of the Aboriginal object and makes a written direction in that regard.	Section 3.3
<i>Schedule. 2 B21</i>	The Applicant must ensure that all known Aboriginal objects or Aboriginal places on the site and within any offset areas are properly recorded, those records are kept up to date and are reported to the Aboriginal Heritage Information Management System (AHIMS).	Sections 3.4 and 3.5
Aboriginal Cultural Heritage Management Plan		
<i>Schedule. 2 B22</i>	The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development. The plan must: (a) be prepared by suitably qualified and experienced persons approved by the Secretary;	This document

Condition	Recommendation/Commitment/Condition	ACHMP Section
	<p>(b) be prepared in consultation with Registered Aboriginal Parties and Heritage NSW;</p> <p>(c) be submitted to the Planning Secretary for approval prior to carrying out construction under this consent;</p> <p>(d) describe the measures to be implemented on the site to:</p> <ul style="list-style-type: none"> (i) comply with the heritage-related operating conditions of this consent; (ii) ensure all workers receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions; (iii) protect, monitor and/or manage identified Aboriginal objects and Aboriginal places (including proposed salvage of objects within the approved disturbance area) in accordance with the commitments made in the document/s listed in condition A2(c); (iv) protect Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the development; (v) manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development; (vi) maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places (outside of the approved disturbance area); and (vii) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site; and <p>(e) include a strategy for the care, control and storage of Aboriginal objects salvaged on the site, both during the life of the development and in the long term.</p>	
Sch. 2 B23	The Applicant must implement the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary.	This document
<i>EIS Statement of Commitments (ACHAR management recommendations)(Jacobs 2021)</i>		
ACHAR Section 11	<p>A Cultural Heritage Management Plan</p> <p>A Cultural Heritage Management Plan (CHMP) will be developed. It will include the methodologies developed in this document.</p>	This document
ACHAR Section 11	<p>High Pressure Pipeline</p> <p>If repair or maintenance works on the Liddell to Jerrys Plains High Pressure Pipeline are required. The area of works would be subject to surface collection in accordance with Section 11.1. If no works are required in the vicinity of a site the site would be conserved.</p>	n/a

Condition	Recommendation/Commitment/Condition	ACHMP Section
ACHAR Section 11	Brine Pipeline If possible, the design and construction of the Brine Pipeline would avoid the two recorded site areas. The sites would be protected with high visibility fencing. If impact cannot be avoided the sites would be salvaged through surface collection in accordance with Section 11.1.	n/a
ACHAR Section 11	M1 Conveyor During any works on the Liddell M1 Conveyor the site would be conserved and protected by high visibility exclusion fencing to prevent impact.	n/a
ACHAR Section 11	Unanticipated Finds Protocol The Unanticipated Finds Protocol in the Section 11.3 will be followed for any previously unidentified Aboriginal heritage objects found during the works.	Section 3.3

2.2 State Legislation

2.2.1.1 Environmental Planning and Assessment Act 1979

The *Environmental Planning and Assessment Act 1979* (EP&A Act), administered by DPE, requires that consideration be given to environmental impacts as part of the land use planning process in NSW. In NSW, environmental impacts are interpreted as including impacts to Aboriginal and non-Aboriginal (i.e., European) cultural heritage.

Upon repeal of Part 3A of the EP&A Act on 1 October 2011, the *Environmental Planning and Assessment Amendment (Part 3A Repeal) Act 2011* inserted a new Division 4.1 into Part 4 of the EP&A Act. Division 4.1 provides a determination regime for State Significant Development (SSD). Section 89C of the EP&A Act stipulates that a development will be considered SSD if it declared to be such by the new *State Environmental Planning Policy (State and Regional Development) 2011* (SEPP SRD).

Under Clause 8(1) of SEPP SRD, a development is declared to be State Significant Development if:

- a. the development on the land concerned is, by the operation of an environmental planning instrument, permissible with development consent under Part 4 of the EP&A Act; and
- b. the development is specified in Schedule 1 or 2 of SEPP SRD.

The Project is SSD as it meets both of these criteria, namely:

- it is permissible with development consent on the land on which it is located; and
- it is development that is specified in Schedule 1 of SEPP SRD.

Pursuant to Section 89J of the EP&A Act, Aboriginal Heritage Impact Permits (AHIPs) are not required for projects approved under Division 4.1 of Part 4 of the EP&A Act. Impacts to Aboriginal heritage values associated with approved SSD projects are typically managed under ACHMPs. ACHMPs are statutorily binding once approved by DPE.

2.2.1.2 National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NPW Act), administered by Heritage NSW, is the primary legislation for the protection of Aboriginal cultural heritage in NSW. The NPW Act gives the Secretary of Heritage NSW responsibility for the proper care, preservation and protection of 'Aboriginal objects' and 'Aboriginal places', defined under the Act as follows:

- An *Aboriginal object* is any deposit, object or material evidence (that is not a handicraft made for sale) relating to Aboriginal habitation of NSW, before or during the occupation of that area by persons of non-Aboriginal extraction (and includes Aboriginal remains).

- An *Aboriginal place* is a place declared so by the Minister administering the NPW Act because the place is or was of special significance to Aboriginal culture. It may or may not contain Aboriginal objects.

Part 6 of the NPW Act provides specific protection for Aboriginal objects and places by making it an offence to harm them and includes a 'strict liability offence' for such harm. A 'strict liability offence' does not require someone to know that it is an Aboriginal object or place they are causing harm to in order to be prosecuted. Defences against the 'strict liability offence' in the NPW Act include the carrying out of certain 'Low Impact Activities', prescribed in Clause 80B of the *National Parks and Wildlife Amendment Regulation 2010* (NPW Regulation), and the demonstration of due diligence.

An AHIP issued under Section 90 of the NPW Act is required if impacts to Aboriginal objects and/or places cannot be avoided. An AHIP is a defence to a prosecution for harming Aboriginal objects and places if the harm was authorised by the AHIP and the conditions of that AHIP were not contravened. Consultation with Aboriginal communities is required under Heritage NSW policy when an application for an AHIP is considered and is an integral part of the process. AHIPs may be issued in relation to a specified Aboriginal object, Aboriginal place, land, activity or person or specified types or classes of Aboriginal objects, Aboriginal places, land, activities or persons.

As indicated in Section 2.2.1.1, pursuant to Section 89J of the EP&A Act, AHIPs are not required for projects approved under Division 4.1 of Part 4 of the EP&A Act, with impacts typically managed under ACHMPs. ACHMPs are statutorily binding once approved by DPE.

Section 89A of the NPW Act requires notification of the location of Aboriginal sites within a reasonable time, with penalties for non-notification. Section 89A is binding in all instances, including Division 4.1 projects.

3.0 Management of Aboriginal Cultural Heritage Values

3.1 Known Aboriginal Archaeological Sites

No previously recorded Aboriginal objects or places have been identified within the ACHMP Area.

3.2 Known Aboriginal Cultural Heritage Values

No specific social or cultural values were identified within the ACHMP Area that require management as part of the ACHMP.

3.3 Unanticipated Finds Protocol

3.3.1 Aboriginal Objects/Places

In the event that previously unidentified Aboriginal objects/places are identified within the ACHMP Area through the decoupling works, the following procedure will apply (in accordance with Conditions B19 and B20 of the Development Consent):

1. all works within the immediate vicinity of the potential Aboriginal object/place must cease immediately;
2. a 10 metre wide buffer area must be established around the suspected object/place must be cordoned off;
3. the Site Manager must be notified;
4. should the object/place be determined to be Aboriginal, Heritage NSW and RAPs must be contacted as soon as practicable;
5. work in the immediate vicinity may only recommence if:
 - a. The potential Aboriginal object is confirmed by Heritage NSW, in consultation with the RAPs, not to be an Aboriginal object or Aboriginal place

- b. this ACHMP is revised to include the Aboriginal object and appropriate measures in respect of it
- c. the Planning Secretary is satisfied with the measures to be implemented in respect of the Aboriginal object and makes a written direction in that regard.

3.3.2 Human Skeletal Remains

In the event that human skeletal remains are identified within the ACHMP Area, the following procedure will be adopted:

1. When suspected human remains are identified, all work in the near vicinity will cease;
2. The Site Manager should be notified
3. The location should be isolated from access using temporary, high-visibility fencing materials. A minimum 5 m exclusion zone must be applied
4. Should it be readily apparent that the material is human, the Site Manager should inform the NSW Police of the discovery as soon as practicable (required under law);
5. Where uncertainty over the origin of the material exists, the advice of a suitably qualified specialist in human and/or faunal skeletal remains should be sought within 24 hours to assist in the determination of origin, ancestry (Aboriginal or non-Aboriginal) and antiquity (pre-contact, historic or modern). It may be necessary for the specialist to inspect the exposed material in situ. If so, this inspection should take place as soon as practicable.
6. If the engaged specialist confirms or suspects the skeletal material is human in origin the Site Manager should inform the NSW Police as soon as practicable (required under law). It should be assumed that the police will take command of the site until otherwise directed.
7. If the remains are identified as pre-contact or historic Aboriginal, the Site Manager should formally notify all RAPs, as well as Heritage NSW, within 48 hours. Management options for the remains, including avoidance of the location through design changes, exhumation and relocation to a designated keeping place, and exhumation and relocation to a non-impact area close to the original, should be presented to Indigenous stakeholders as part of the notification process. Ultimately, the wishes of the RAPs should guide the management option selected.
8. If required, RAPs and a suitably qualified specialist in human and/or faunal remains, should develop a specific methodology to carefully and sensitively recover the remains and to undertake agreed forensic analysis. A culturally appropriate repatriation, in a location jointly agreed by AGL Macquarie and the RAPs, should follow the completion of forensic analysis as soon as practicable.
9. If the remains are identified as historic (non-Aboriginal), the Site Manager should notify Heritage NSW and seek their advice on appropriate management; and
10. If the skeletal remains are identified as faunal remains, they should be dealt with archaeologically.

3.3.3 AHIMS Site Cards

In the event that any previously unidentified Aboriginal object/places are identified within the ACHMP Area a site card for the object(s)/place should be completed and submitted to the Aboriginal Heritage Information Management System (AHIMS) register as soon as practicable following identification.

3.4 Site Records Database

A comprehensive Aboriginal Site Database for the broad Liddell Power Station should be established. AGL Macquarie would be responsible for the creation and maintenance of this database which will, at a minimum, contain the name, type, size (where applicable), MGA coordinates and status of all Aboriginal sites within and directly adjacent to the ACHMP Area. The database should be regularly updated throughout the operational life of the project. As outlined in Section 3.3, if any unexpected sites are located during the lifecycle of the project these must also be added to the database and include all details listed above.

3.5 ASIR Cards

Should any Aboriginal objects/places be identified within the ACHMP area and approved for impact, Aboriginal Site Impact Recording (ASIR) cards will be submitted to the AHIMS database within four months of the completion of any impacts.

3.6 Care and Control of Salvaged Objects

Should any Aboriginal objects/places be identified within the ACHMP and be approved for salvage they will be moved as soon as practicable to the temporary storage location within the Bayswater Power Station (Administration Building). Aboriginal community members may wish to access sites for appropriate cultural purposes (e.g. education and ceremony). AGL Macquarie will facilitate reasonable access upon request and reasonable access will be subject to Bayswater Power Station's operational requirements.

A long-term management strategy has not yet been established by Liddell Power Station or the RAPs. As such, salvaged Aboriginal objects will remain in the temporary storage location until a decision is made. Any decisions regarding the long-term management of Aboriginal objects will be made in consultation with RAPs and Heritage NSW. A long-term management strategy will be prepared prior to power station closure.

3.7 Sites Outside the Development Footprint

A number of Aboriginal sites are located outside the ACHMP Area but within the Liddell Power Station site. These sites are not to be impacted as part of the decoupling component of the Project. Management of these sites will be included in separate ACHMPs developed for other components of the Project.

It is noted that other known sites are a sufficient distance away from the ACHMP Area so as not to represent an impact risk and the construction footprint will be demarcated or communicated to contractors to ensure no disturbance outside of the approved area.

4.0 Aboriginal Community Engagement

4.1 Principles of RAP Engagement

AGL Macquarie recognises the importance of cultural protocols in the engagement of RAPs and more broadly the Aboriginal community. As such, AGL Macquarie has adopted the principals outlined in the Australian Heritage Commission's guidelines Ask First: A guide to respecting Indigenous heritage places and values (Australian Heritage Commission, 2002). These principals require that all parties concerned with identifying, conserving and managing Aboriginal heritage should acknowledge, accept and act on the principles that Aboriginal people:

- are the primary source of information on the value of their heritage and how this is best conserved;
- must have an active role in any Aboriginal heritage planning process;
- must have input into primary decision-making in relation to Aboriginal heritage so they can continue to fulfil their obligations towards this heritage; and
- have a right to retain control of their cultural knowledge, including intellectual property and other information relating specifically to their heritage.

4.2 Welcome to Country and Acknowledging Traditional Owners

A Welcome to Country is a formal welcome to Aboriginal land given by an Elder or person from the Country the meeting or event is taking place on. It is commonly in the form of a short speech, but also may include a performance. An Acknowledgement of Country can be given by an Indigenous or non-

Indigenous person and is a way of paying respect to the Traditional Owners of the Country the meeting or event is taking place on.

Welcome to Country and Acknowledgement of Country are important practices because they continue the longstanding tradition of formally recognising Aboriginal and Torres Strait Islander traditional ownership and connection to Country (NTSCORP Limited, 2013). AGL Macquarie proposes that any meetings and events associated with the preparation of this ACHMP, and with the ongoing management of Aboriginal objects and places associated with this ACHMP, begin with the opportunity for an Elder or Traditional Owner to undertake a Welcome to Country and/or Acknowledgement of Country.

4.3 ACHAR Consultation

Consultation with RAPs during the preparation of the Project's ACHAR was undertaken in accordance with Heritage NSW's *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (NSW Department of Environment Climate Change & Water 2010a). A total of 25 Aboriginal parties were consulted for the assessment. These RAPs are listed in Table 3 and will continue to be consulted with regards to Aboriginal cultural heritage values relevant to the decoupling component of the Project.

Table 3: Registered Aboriginal Parties

Ref	Organisation/Individual	Primary Contact
1	Didge Ngunawal Clan	Paul Boyd
2	Wanaruah Local Aboriginal Land Council	CEO
3	Wattaka Wonnarua Cultural Consultancy Services	Des Hickey
4	Ungooroo Aboriginal Corporation	Allen Paget
5	Tocomwall	Scott Franks
6	AGA Services	Ashley Sampson
7	Cacatua Culture Consultants	George Sampson
8	Merrigarn	Shaun Carrol
9	A1 Indigenous Services	Carolyn Hickey
10	Widescope Indigenous Group	Steven Hickey
11	Kauwul Wonn1	Arthur Fletcher
12	Jarban and Mugrebea	Les Atkinson
13	Nunawanna Aboriginal Corporation	Colin Ahoy
14	Wonnarua Nation Aboriginal Corporation	Laurie Perry
15	Culturally Aware	Tracey Skene
16	Men's Shack Indigenous Corporation	-
17	Hunters and Collectors	Tania Matthews
18	Kamilaroi Yankuntjatjara Working Group	Phil Kahn
19	Divine Diggers Aboriginal Cultural Consultants	-
20	Hunter Traditional Owner	Paulette Ryan
21	Jumbunna Traffic Management Group Pty Ltd	Norm Archibald
22	Wallagan	Maree Waugh
23	Robert Syron	-

Ref	Organisation/Individual	Primary Contact
24	Upper Hunter Wonnarua Council Inc	Rhoda Perry
25	Murra Bidgee Mullangari Aboriginal Corporation	Darleen Johnson

4.4 ACHMP Consultation

The draft ACHMP was distributed to all RAPs listed in Table 3 on the 14 March 2022, for consultation and comment. RAPs were provided with a minimum 28-day period to provide comments on the plan. Three written responses to the draft ACHMP were received. A copy of the RAP correspondence is provided in Appendix B.

4.5 Ongoing RAP Consultation

Notification will be provided in writing to RAPs in the following instances:

- there are significant changes to approved operations at the site resulting in potential implications for Aboriginal heritage management;
- there is a discovery of an Aboriginal object/site (in accordance with the process described in Section 3.3);
- there is an opportunity to participate in Aboriginal archaeological survey or salvage works (should these be required); and
- there are discussions regarding the long-term management of Aboriginal heritage objects/places at the site.

5.0 Regulatory Consultation

Condition B22 (c) of SSD-8889679 states that an ACHMP must be submitted to the Planning Secretary for approval prior to carrying out construction under this consent.

The draft ACHMP was submitted to DPE for review on 20 April 2022 and subsequent referral to Heritage NSW. A copy of Heritage NSW's response is provided in Appendix C.

6.0 Incident, Non-Compliance & Complaints Management

6.1 Incident Notification, Reporting and Response

The Planning Secretary must be notified in writing via the Major Projects website immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the application number and the name of the development if it has one) and set out the location and nature of the incident.

Should there be a concern that conditions of this ACHMP are not being met and unauthorised impacts are occurring to Aboriginal objects, the following steps will be undertaken:

- a. Site Manager is to be notified;
- b. Site Manager will notify DPE and Heritage NSW of the incident as soon as possible;
- c. the Contractor will engage a suitably qualified and experienced person(s) to:
 - Investigate the complaints/claims; and
 - Review the environmental performance of Bayswater Power Station.
- d. provide DPE, Heritage NSW and RAPs with a written report as soon as practicable that describes:

- the nature of the non-compliance concern;
- the date and time of the incident;
- the likely cause of the incident;
- actions that have been taken; and
- proposed measures to address the incident.

6.2 Non-Compliance Notification

The Planning Secretary must be notified in writing via the Major Projects website within seven days after the Applicant becomes aware of any non-compliance.

A non-compliance notification must identify the development and the application number for it, set out the condition of approval that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.

A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.

6.3 Complaints

AGL Macquarie are required as part of their Environmental Management Strategy to include complaints management procedure (Schedule 2, Part D1) which details how to receive, respond to, record and address community complaints. Liddell Power Station should utilise this procedure for Aboriginal heritage issues. It is recommended that as part of that procedure records of all community complaints and subsequent actions be kept.

The following details should be recorded:

- date and time of the complaint;
- complainant name and contact details;
- the nature of the complaint;
- how the complaint was made;
- actions (if appropriate);
- consultation undertaken;
- status (i.e. open/closed); and
- any further action required.

Complaints and enquiries regarding Aboriginal heritage issues and any other environmental matters can be received from a number of sources including:

- Via the website (<https://www.agl.com.au/about-agl/how-we-source-energy/agl-macquarie>)
- Via the complaints 24hr phone line to be setup prior to construction and advertised on the project website, newsletters and contact cards distributed within the community (1800039600)
- Via email. AGLCommunity@agl.com.au

7.0 Audit, and Review

7.1 Independent Environmental Audit

This ACHMP will be audited, as part of the Independent Environmental Audit, within six months of the commencement of construction in accordance with Schedule 2, Part C of SSD-8889679:

C13. Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements (2020, or its latest version).

C14. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.

C15. The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those specified in the Compliance Reporting Post Approval Requirements (2020, or its latest version), upon giving at least 4 weeks' notice (or timing) to the Applicant of the date upon which the audit must be commenced.

C16. In accordance with the specific requirements in the Independent Audit Post Approval Requirements (2020, or its latest version), the Applicant must:

(a) review and respond to each Independent Audit Report prepared under condition D12 of this approval, or condition D14 where notice is given by the Planning Secretary;

(b) submit the response to the Planning Secretary; and

(c) make each Independent Audit Report, and response to it, publicly available within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.

C17. Independent Audit Reports and the Applicant's response to audit findings must be submitted to the Planning Secretary within 2 months of undertaking the independent audit site inspection, as outlined in the Independent Audit Post Approvals Requirements (2020) unless otherwise agreed by the Planning Secretary.

C18. Notwithstanding the requirements of the Independent Audit Post Approval Requirements (2020, or its latest version), the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

Any recommendations from the audit will be detailed in a report and will be implemented to the satisfaction of the DPE.

7.2 Review Schedule

The suitability of this ACHMP will be reviewed in accordance with Condition C3 of SSD-8889679, that is within three months (unless the Planning Secretary agrees otherwise), of:

- (a) the submission of an incident report under condition C4;
- (b) the submission of an audit report under condition C13; and
- (c) the approval of any modification to the conditions of this consent; or
- (d) a direction of the Secretary under condition A3 of Schedule 2.

The revised plan will be submitted to DPE for approval within six weeks of the review. If any significant modifications to the plan are required as an outcome of the review, relevant government agencies and RAPs will be consulted regarding the changes prior to the plan being submitted to DPE for approval.

8.0 Training and Inductions

Generic Aboriginal cultural heritage management training is provided to all employees and contractors through the site induction process at Liddell Power Station. Employees and contractors will also be made aware of their legal responsibilities under the *NP&W Act 1974*. From time to time, workforce communication and toolbox talks allow for discussion of the objectives and requirements of this and any other relevant Management Plans.


All employees, contractors and supervisors carrying out any activities that may cause impacts to Aboriginal objects/places will undertake a more detailed awareness training package prior to the commencement of their work, to avoid any inadvertent impacts. Where possible, Wonnarua knowledge holders would be used to facilitate awareness training. Training packages will be updated regularly to

be relevant to the type of works being completed. Records of training will be kept and maintained in a site database.

9.0 References

- Jacobs Group (Australia) Pty Ltd. 2021. *Liddell Battery and Bayswater Ancillary Works Project Aboriginal Cultural Heritage Assessment Report*. Unpublished report for AGL Macquarie.
- NSW Department of Environment Climate Change & Water. 2010a. *Aboriginal Cultural Heritage Consultation Requirements for Proponents*. Department of Environment, Climate Change and Water.
- NSW Department of Environment Climate Change & Water. 2010b. *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*. Department of Environment, Climate Change and Water.


Appendix A – CV


 Imagine it. Delivered.	Résumé	1
<p>Geordie Oakes Principal Heritage Specialist</p>		
<p>Qualifications Graduate Certificate in Paleoanthropology, University of New England (2017)</p> <p>Bachelor of Arts (Hons) Archaeology - Historic/Pre-historic, Sydney University (2007)</p> <p>Diploma of Information Technology (2001)</p>	<p>Career History Geordie has an Honours Degree in Historic / Prehistoric Archaeology from the University of Sydney and has worked as a heritage consultant for over 13 years. Geordie has worked on a wide range of projects in a number of states including NSW, ACT, VIC and NT. As a result, he has gained extensive experience in undertaking both Aboriginal and historic heritage assessments, in addition to developing critical professional skills.</p>	
<p>Affiliations Australian Archaeological Association – Member Australian ICOMOS – Associate Member</p>	<p>Key skills include community consultation, project management, report preparation, archaeological survey and excavation, and artefact analysis. With a background in information technology, Geordie also has experience in GIS mapping and database systems, bringing additional value to projects he is involved with.</p>	
<p>Certificates & Training NSW 'White Card' General Safety Induction (Construction Industry) #CGIO1142255SEQ1</p> <p>NSW RIW Rail Safety Worker Card #RSN0010080545-100</p> <p>4WD Training – Getabout Training Services</p>	<p>Geordie has worked on Aboriginal and historic heritage assessments for both the public and private sectors across a range of industries with a focus on mining, linear infrastructure projects, urban development and commercial building development.</p> <p>In addition to heritage assessments, Geordie has also prepared Section 90 Aboriginal Heritage Impact Permits (AHIPs), Aboriginal Cultural Heritage Management Plans (ACHMPs), Care Agreements, Section 60 and Section 57 exemptions.</p>	
02-Feb-2018		

AECOM	Résumé Geordie Oakes Principal Heritage Specialist	2
Detailed Experience		
Selected projects include:		
<i>Bayswater WOAOW Project 2020 (AGL)</i> Project Manager responsible for coordinating fieldwork and reporting.	<i>Springdale Solar Farm 2018 ACHAR and Historical Assessment (Renew Estate).</i> Project Manager responsible for coordinating fieldwork and reporting.	
<i>North Benalla Solar Farm CHMP 2020 (South Energy)</i> Project Manager responsible for coordinating fieldwork and reporting.	<i>Westconnex New M5 2017 (RMS).</i> Stage 2 PACHCI Aboriginal Assessment. Technical special lead coordinating all aspects of the assessment including fieldwork and reporting.	
<i>Rouse Hill WRP ACHAR and Historic Assessment 2020 (Sydney Water)</i> Project Manager responsible for coordinating fieldwork and reporting.	<i>Bengalla Continuation of Mining ACHAR, ACHMP & Salvage 2012-2017 (BMC).</i> Project Manager coordinating all aspects of the assessment including fieldwork, reporting and stakeholder liaison.	
<i>Newell Highway Aerodrome SoHI 2020 (TNSW)</i> Project Manager responsible for coordinating fieldwork and reporting.	<i>Riverstone Lead-ins ACHAR, AHIP and Salvage 2013-2018 (Sydney Water).</i> Project Manager responsible for coordinating fieldwork and reporting.	
<i>Newell Highway Tap Hill SoHI 2020 (TNSW)</i> Project Manager responsible for coordinating fieldwork and reporting.	<i>Moolarben Rockshelter excavation 2015 (Moolarben Coal Operations).</i> Project Manager coordinating all aspects of the assessment including fieldwork and reporting.	
<i>Barton Highway Duplication Stage 2/3 PACHCI 2019 (RMS)</i> Project Manager responsible for coordinating fieldwork and reporting.	<i>Box Hill Residential Development ACHAR, AHIP & Salvage 2013-17 (Welsh Consulting).</i> Project Manager coordinating all aspects of the assessment including fieldwork and reporting.	
<i>Maxwell Coal Project ACHAR 2019 (Malabar Coal).</i> Project Manager responsible for coordinating fieldwork and reporting.	<i>300 Sixth Avenue ACHAR 2017 (RPS).</i> Project Manager coordinating all aspects of the assessment including fieldwork and reporting.	
<i>Maxwell Solar Farm ACHAR 2019 (Malabar Coal).</i> Project Manager responsible for coordinating fieldwork and reporting.	<i>22 Water Due Diligences 2016 (Hunter Water).</i> Project Manager coordinating all aspects of the assessment including fieldwork and reporting.	
<i>SWPGA ACHAR and AHIP (Sydney Water).</i> Project Manager responsible for coordinating fieldwork and reporting.	<i>Menangle Park Test Excavation and Section 90 AHIP 2013.</i> Project Manager coordinating all aspects of the assessment including fieldwork and reporting.	
<i>Bomen Solar Farm 2019 ACHAR and ACHMP 2019 (Beast Solutions).</i> Project Manager responsible for coordinating fieldwork and reporting.	<i>Drayton South Aboriginal Heritage Assessment, 2011 and ACHMP</i> Project Manager coordinating all aspects of the assessment including fieldwork, reporting and stakeholder liaison.	
<i>Riverstone Scheduled Lands Stage A2 ACHAR, AHIP & Salvage 2017-2019 (Landcom).</i> Project Manager responsible for coordinating fieldwork and reporting.		
<i>Archaeological Salvage of A7 2019 (Sydney Water).</i> Project Manager responsible for coordinating fieldwork and reporting.	Heritage Related Professional History	
<i>North Richmond Infrastructure ACHAR and AHIP 2019 (Sydney Water).</i> Project Manager responsible for coordinating fieldwork and reporting.	2009 - Present AECOM Archaeologist	
	2007- 2008 Heritage Concepts Archaeologist	
02-Feb-2018		

Appendix B – RAP Responses to the ACHMP

[EXTERNAL] Re: Liddell Power Station Decoupling Works - Draft Aboriginal Cultural Heritage Management Plan (ACHMP) Review

 Darleen Johnson <murrabidgeemullangari@yahoo.com.au>
To: Oakes, Geordie

 60632997_DHRpt_Liddell_ACHMP_2022_04_14.pdf
865 KB

Hi Geordie
I have read the project information and draft ACHMP for the above project, I endorse the recommendations made.
Kind regards
Ryan Johnson
0475565517

On Thursday, 14 April 2022, 11:26:35 am AEST, Oakes, Geordie <geordie.oakes@aecom.com> wrote:


Dear RAP,

Please find attached the draft Aboriginal Cultural Heritage Management Plan (ACHMP) for the Liddell Power Station Decoupling Works for your review and comment. Should you have any comments on the draft please provide these by email, mail or over the phone to Geordie Oakes via the contact details on this email.

Please note that the closing date for comments is 12 May 2022.

All the best,
Geordie

[EXTERNAL] Re: Liddell Power Station Decoupling Works - Draft Aboriginal Cultural Heritage Management Plan (ACHMP) Review

 Philip Khan <philipkhan.acn@live.com.au>
To: Oakes, Geordie

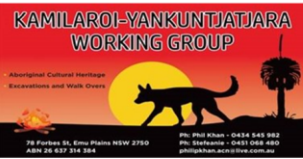
Dear Geordie,

Thank you for your ACHMP for Liddell Power Station Decoupling Works. The whole study area and surrounding area is of high significance to us Aboriginal Peoples, for tens of thousands of years the area has been occupied by Aboriginal Peoples, in turn we have a deep connection to the sky, water ways and land. The area would have been utilised for daily activities such as camping, hunting, fishing and ceremonial practices etc.

There are water ways within the area that are utilised by Aboriginal Peoples. Yes, it's the tangible aspects that archaeology looks for but it's also the intangible and aesthetic aspects that must be considered when it comes to cultural heritage. There are stories of the dreaming and creation stories that should be sort when it comes to place and connecting to country.

We would like to agree to your ACHMP and we support your report, we look forward to furthering consultation on this project.

Kind Regards
Kadibulla Khan




KAMILAROI-YANKUNTJATJARA WORKING GROUP
Aboriginal Cultural Heritage
Excavations and Walk Overs

PO: Phil Khan - 0454 545 982
PH: 0189326 - 0453 068 400
phil@khan.acn@live.com.au

78 Pittman St, Erina Plains NSW 2750
ABN 26 637 214 384

From: Oakes, Geordie <Geordie.Oakes@aecom.com>

[EXTERNAL] Re: Liddell Power Station Decoupling Works - Draft Aboriginal Cultural Heritage Management Plan (ACHMP) Review

 Lilly Carroll <diddgengunawalclan@yahoo.com.au>
To: Oakes, Geordie

[Reply](#) [Reply All](#) [Forward](#) [More](#)
Thu 14/04/2022 11:52 AM

Hi Geordie

I have reviewed your report for the Decoupling of Liddell power station, and is happy with everything. After 50 years it all has to come down, and in doing this we have to preserve the sites that are registered on that land and there's plenty of them. There is approximately 14 km of asbestos tunnels that need to be disassembled and dug back into the ground. Porcellanite, silcrete and mudstone has predominantly been found to these areas around the ash dam etc, and I can assist in more if asked upon

Kind regards
Paul Boyd & Lilly Carroll
Directors DNC

[Sent from Yahoo Mail for iPhone](#)

On Thursday, April 14, 2022, 11:26 am, Oakes, Geordie <Geordie.Oakes@aecom.com> wrote:

Dear RAP,

Please find attached the draft Aboriginal Cultural Heritage Management Plan (ACHMP) for the Liddell Power Station Decoupling Works for your review and comment. Should you have any comments on the draft please provide these by email, mail or over the phone to Geordie Oakes via the contact details on this email.

Please note that the closing date for comments is 12 May 2022.

All the best

Appendix C – Regulator Consultation



Our ref: DOC22/307812

Ms Arianna Henty
Land and Approvals Manager
Liddell Power Station
AGL Macquarie Pty Ltd
AHenty2@agl.com.au

Mr Jack Turner
Senior Environmental Assessment Officer
Energy Resource Assessments
Department of Planning and Environment
jack.turner@planning.nsw.gov.au

Advice referred through the Major Project Portal

Dear Ms. Henty

Advice on Environmental Impact Statement – State Significant Development – Liddell Battery and Bayswater Ancillary Works (SSD 8889679-PA-1)

Thank you for your referral dated 20 April 2022, seeking input from Heritage NSW (HNSW) on the draft *Liddell Power Station Decoupling Works - Aboriginal Cultural Heritage Management Plan*, dated 14 April 2022 and prepared by AECOM on behalf of AGL Macquarie. In accordance with Condition B22 of the project Development Consent, proponent AGL Macquarie is required to prepare an Aboriginal Cultural Heritage Management Plan (ACHMP) for the approved Liddell Battery and Bayswater Ancillary Works (SSD 8889679-PA-1).

It is understood that the approved Works encompass several components to facilitate upgrades to the Liddell Power Station, including works associated with the Battery, Decoupling Works, Bayswater Ancillary Works and Consolidated Consents.

As noted, the draft ACHMP (2022:5) submitted to HNSW has been prepared for the Decoupling component of the planned upgrades only, referred in the Plan as the 'ACHMP Area'. The proponent affirms that construction within the ACHMP (Decoupling Works) Area will not commence until the draft Decoupling Works - ACHMP is approved by the Planning Secretary.

HNSW acknowledges that the draft Decoupling Works - ACHMP is one of a series of Management Plans required by Condition B22 of the Development Consent. It is anticipated that as the required ACHMPs are prepared to manage Aboriginal cultural heritage values over the remaining component areas within the broader area of Works, updates and corresponding information where relevant will be added to the prepared ACHMPs to ensure consistency and currency amongst the suite of Aboriginal cultural heritage management documentation prepared for the Liddell Battery and Bayswater Ancillary Works, in accordance with Condition A7(a-c) of the Development Consent.

Level 6, 10 Valentine Ave Parramatta NSW 2150 ■ Locked Bag 5020 Parramatta NSW 2124
P: 02 9873 8500 ■ E: heritagemailbox@environment.nsw.gov.au

HNSW understands that the proponent has commenced community consultation on the draft Decoupling Works - ACHMP with the Registered Aboriginal Parties (RAPs) for the project, as required by Condition B22 of the Development Consent. HNSW understands that the proponent is committed to meaningful community engagement and consultation with the RAPs will be ongoing for the life of the project.

If you have any questions regarding the above comments, please contact Rebecca Yit, Senior Assessments Officer on rebecca.yit@environment.nsw.gov.au

Yours sincerely



Nicole Davis
Manager Assessments
Heritage NSW
Department of Planning and Environment

10 May 2022

