



Bayswater Power Station Ravensworth Ash Line

Aboriginal Cultural Heritage Management Plan

02-Aug-2022

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Aboriginal Cultural Heritage Management Plan

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Prepared by Geordie Oakes

Reviewed by

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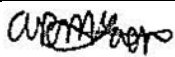
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1.0 Introduction

1.1 Background

Bayswater 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 18 February 2022, AGL Macquarie was granted Development Consent by the Department of Planning, Industry and Environment (**DPE**) for the Bayswater Power Station Upgrade Project (SSD-9697) (the Project), a State Significant Development (**SSD**) encompassing a series of upgrades to the power station. These upgrades are to ensure the ongoing operation of the power station for its remaining operational life and improve environmental outcomes. Upgrades include:

- construction of a salt cake landfill facility;
- upgrades to increase ash recycling;
- construction of borrow pits;
- water infrastructure upgrades; and
- ancillary works.

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 Ravensworth Ash Line component of the upgrade works (the 'ACHMP Area', Figures 1 and 2).

1.2 Purpose and Scope

The purpose of this ACHMP is to provide protocols to assist AGL Macquarie personnel and on-site contractors in managing the identified Aboriginal heritage values of the ACHMP Area. 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 Ravensworth Ash Line component of SSD-9697. 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-9697;
- detail all relevant statutory requirements associated with Aboriginal cultural heritage values and the Ravensworth Ash Line component of SSD-9697;
- 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;
- detail the archaeological salvage program required as part of the Development Consent prior to the commencement of any ground disturbance;
- Provide a strategy for the care, control and storage of Aboriginal objects salvaged as part of the Development Consent;
- provide a protocol for ongoing consultation with Registered Aboriginal Parties (RAPs);
- provide a protocol for reasonable access to Aboriginal objects and places;

- 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; and
- manage complaints related to Aboriginal cultural heritage in a timely and effective manner.

1.4 Ravensworth Ash Line Details

The Ravensworth Ash Line component of the works will consist of upgrading existing and installing new parts of an approximately 9.5 km long pipe lines for the purpose of transferring and disposing of ash waste. The majority of this pipeline will be above ground with several sections running underground to avoid existing infrastructure corridors. The upgrade and construction will include the following works:

- repositioning of underground pipelines to above ground;
- replacement or upgrading of ageing pipelines;
- vegetation clearing associated with existing infrastructure;
- vegetation clearance along pipeline alignments with opportunities to minimise clearance where practical;
- construction of concrete plinths to support above ground pipelines;
- trenching or underboring of sections where the pipeline will run below ground with potential shoring and benching where depth of trenching requires; and
- disposal of any unused pipelines construction material such as pipe segments, concrete and steel as required.

1.5 Roles and Responsibilities

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

Table 1 Roles and responsibilities

Position	Responsibilities
General Manager	Provide adequate resources for the implementation of this Plan.
Environmental Business Partner	Oversee the implementation of this Plan Notify regulatory authorities and affected stakeholders of incidents in accordance with this Plan. Coordinate ongoing RAP consultation. Coordinate periodic reviews of this Plan. Facilitate training of all employees and contractors in accordance with this Plan.
Environmental Advisor	Assist the Manager as required in the implementation of this Plan. Coordinate archaeological salvage programs. 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 Plan. Provide training to all relevant personnel.
Supervisors	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	Undertake works in accordance with the objectives and principles of this Plan. 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; and
- **Section 12** provides references cited in this ACHMP.

Figure 1 Baywater WOAOW project details

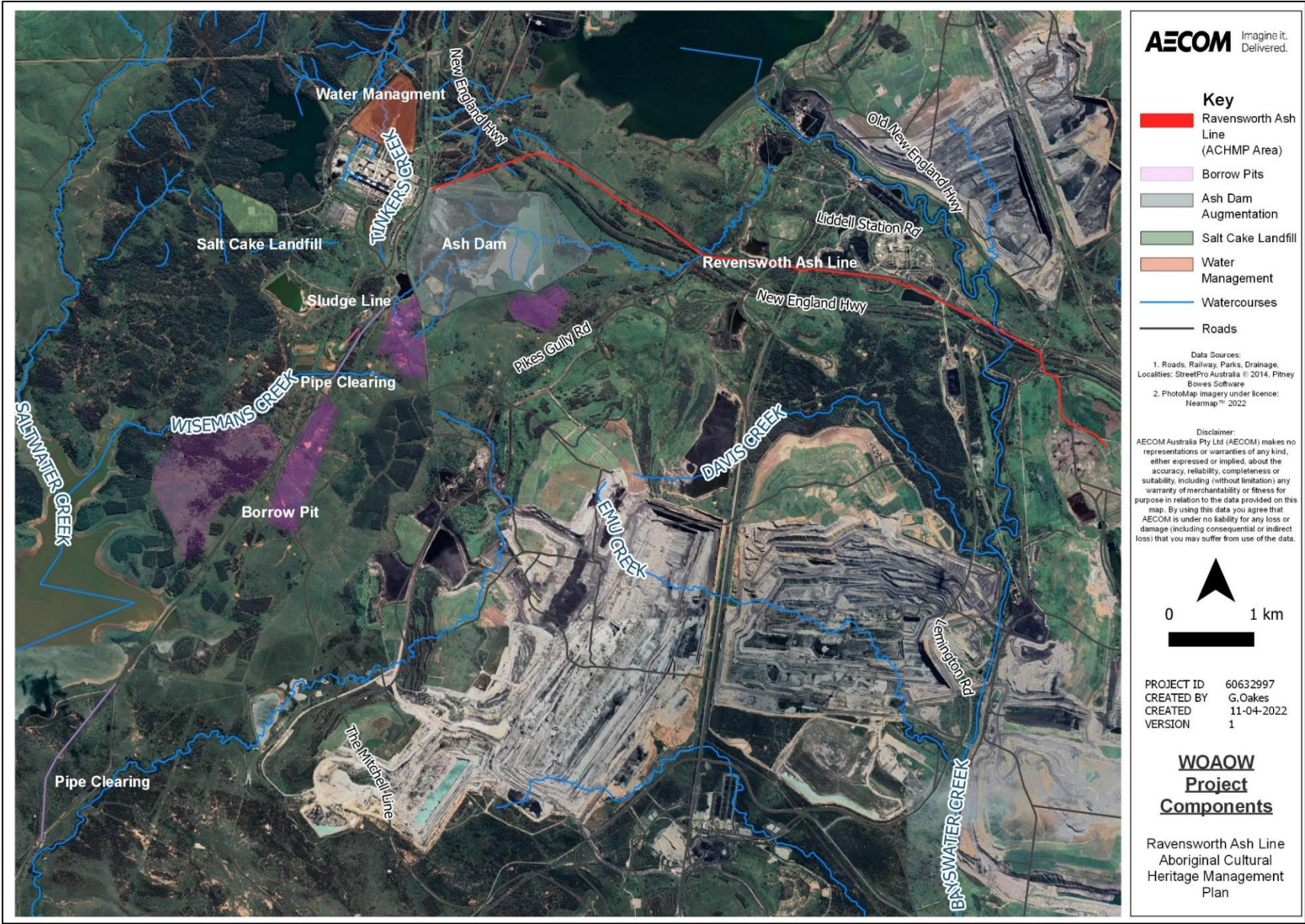


Figure 2 ACHMP Area



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 B29 of SSD-9697, 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		
<i>Unexpected Finds Protocol</i>		
<i>Sch. 2 B26</i>	If any previously unknown Aboriginal object 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; (c) Heritage NSW and the Registered Aboriginal Parties must be contacted as soon as practicable; and (d) appropriate site management measures must be developed in consultation with an archaeologist and Registered Aboriginal Parties.	Section 5.1
<i>Sch. 2 B27</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 (b) 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 5.1
<i>Sch. 2 B28</i>	If any archaeological relics are uncovered during the course of the work, then all works must cease immediately in that area. Unexpected finds must be evaluated and recorded in accordance with the requirements of Heritage NSW.	Section 5.1
<i>Aboriginal Cultural Heritage Management Plan</i>		
<i>Sch. 2 B29</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; (b) be prepared in consultation with Registered Aboriginal Parties and Heritage NSW; (c) unless otherwise agreed by the Planning Secretary, be submitted to the Planning Secretary for approval prior to carrying out construction under this consent;	This document Section 1.6 Section 5.4

Condition	Recommendation/Commitment/Condition	ACHMP Section
	(d) describe the measures to be implemented on the site to: (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 (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.	Section 4.0 Section 9.0 Section 4.0 Section 4.7 Section 4.2 Section 4.6 Section 5.0 Section 4.6
Sch. 2 B30	The Applicant must implement the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary.	This document
EIS Statement of Commitments (AECOM 2020 ACHAR management recommendations)		
ACHAR Section 12.2.1	Community Collection Community collection for all impacted surface sites should be completed for the Project prior to the commencement of any ground disturbance within the study area and following Development Consent. Community collection works should be undertaken by a qualified archaeologist and RAP field representatives. A short report should be prepared detailing the results of the community collection. Aboriginal Site Impact Recording (ASIR) forms for all salvaged sites should be submitted to Heritage NSW at the completion of the collection.	Section 4.2
ACHAR Section 12.2.2	Aboriginal Cultural Heritage Awareness Training An Aboriginal cultural heritage awareness training package should be developed for use throughout the life of the Project, as part of either the induction or ground disturbance permit process.	Section 10.0

Condition	Recommendation/Commitment/Condition	ACHMP Section
ACHAR Section 12.2.3	Previously Unrecorded Aboriginal Archaeological Evidence Provisions regarding the appropriate management action(s) for previously unrecorded Aboriginal archaeological evidence identified within the study area throughout the operational life of the Project should be incorporated into the ACHMP. Management action(s) will vary according to the type of evidence identified its significance (both scientific and cultural) and the nature of potential impacts.	Section 5.0
ACHAR Section 12.2.4	Management of Potential Human Remains In the event that potential human skeletal remains are identified at any point during the life of the development, a standard procedure should be followed.	Section 5.2
ACHAR Section 12.2.5	AHIMS Site Cards AHIMS site cards have been completed and submitted to Heritage NSW for all newly recorded sites within the study area.	Section 5.3
ACHAR Section 12.2.6	Aboriginal Site Database A comprehensive Aboriginal Site Database for the study area and its immediate environs should be established upon commencement of the Project.	Section 5.4

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:

- 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
- 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 Aboriginal Cultural Heritage Values

3.1 Aboriginal Archaeological Sites

One Aboriginal archaeological site, comprising a subsurface artefact scatter have been identified within the ACHMP Area – “Bays AS and PAD 19 (37-3-1597)” (Figure 3). Table 3 provides details for Bays AS and PAD 19 (37-3-1597).

Table 3 Aboriginal archaeological site within the ACHMP area

AHIMS ID	Site name	AHIMS Centroid Coordinates (zone 55)		Scientific Significance	Site type	Management
		MGAE	MGAN			
37-3-1597	BAYS AS and PAD19	314591	6412010	Low	Subsurface scatter	ASIR

It is noted that AECOM's ACHAR (2020) indicated that a second Aboriginal site would be impacted by the project - BAYS PAD18 (NARDELL N2) (37-3-0491). However, as part of detailed design works it was determined that this site could be avoided. As a result, no impacts will occur to this site and associated mitigation measures are not required.

3.2 Aboriginal Cultural Heritage Values

Aboriginal cultural heritage values have been defined as any social or cultural value with spiritual, traditional, historic and contemporary associations and attachments to a place or area. These Aboriginal cultural values can only be identified through consultation with Aboriginal people (OEH 2011). Cultural values can be identified with physical elements of the landscape, for example, stone tools, art sites, ceremonial areas or burial grounds. Aboriginal history continues through to the present and therefore are also often associated with historical and contemporary structures, such as mission buildings, houses, community areas and cemeteries. These values are not only confined to physical sites but also include memories, stories, ceremonies, language, ‘ways of doing things’, passing on knowledge and looking after cultural traditions and places. These Aboriginal cultural values are critical to the connection and sense of belonging that Aboriginal people have with the landscape and each other and combine to form part of the broader cultural landscape (OEH 2011).

RAPs indicated that the ACHMP Area sits within a broader cultural landscape that has cultural significance for Aboriginal people. Forming part of this cultural landscape are important landscape features, such as watercourses and high points in the landscape which are present in the study area, as well as the Aboriginal objects (i.e., stone artefacts) identified during the archaeological survey and test excavation for the Project. Landscape features, as well as Aboriginal sites, are often associated with stories or songs and form links along songlines or pathways, though none were specifically noted for the study area. Moreover, it was noted by RAPs that the study area has been subjected to significant historical impacts from the construction of the Bayswater and Liddell Power Stations.

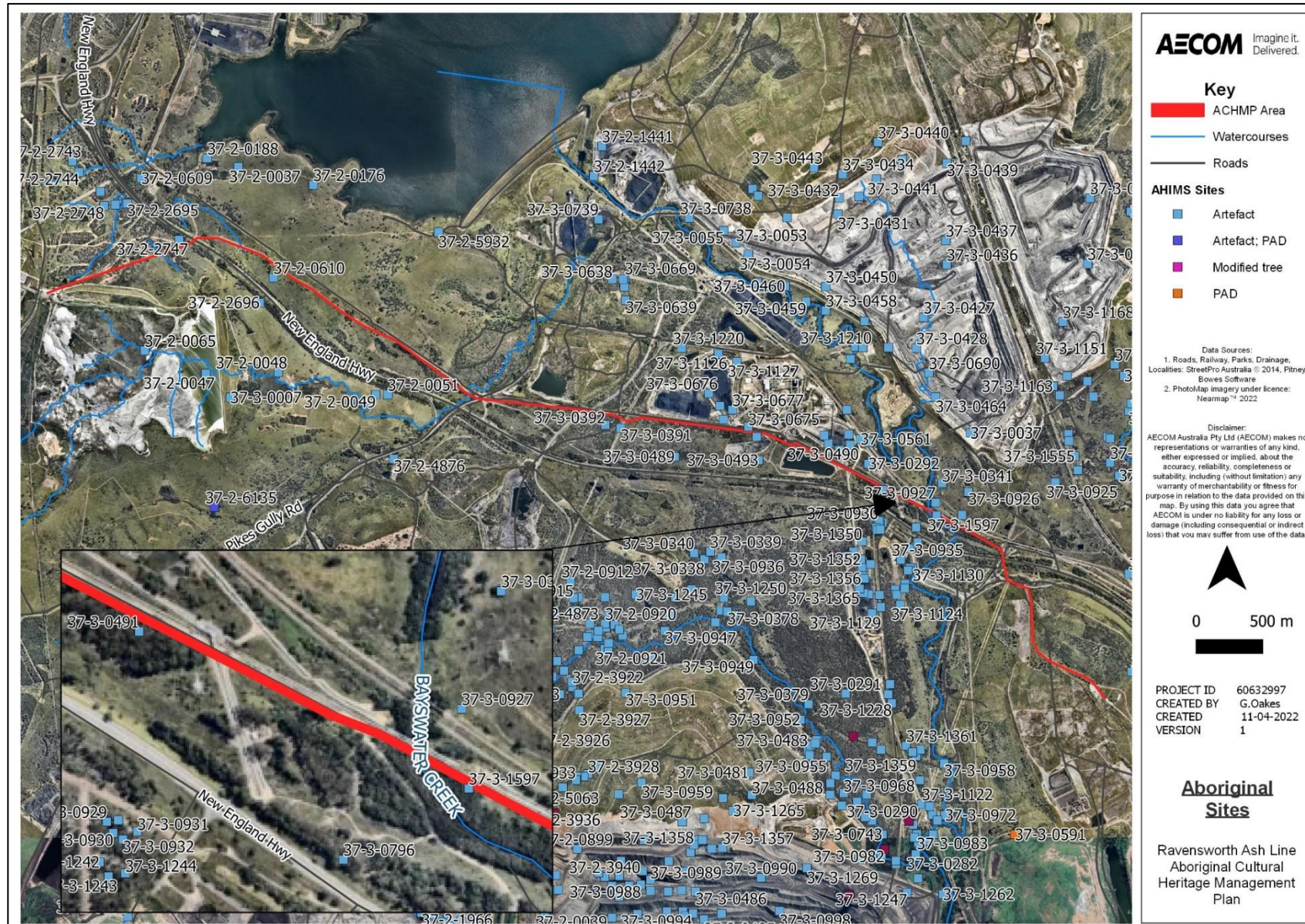
Verbal and written advice received from the RAPs involved in ACHAR prepared for the Bayswater WOAOW project (AECOM 2020) has identified the following social or cultural values for the region:

- Aboriginal people have occupied the Hunter Valley region for thousands of years and have a strong connection to the local landscape and its resources
- Aboriginal pathways and settlement areas across the Hunter Valley landscape followed ridgelines, creek lines and other significant landscape features criss-crossing the landscape into places where neighbouring groups met up to trade, for social gatherings or to act out traditional ceremonies.
- Crests with granite outcrops would have been utilised for camping and as raw material sources by Aboriginal people travelling through the study area.

- RAPs indicated that conflict, including massacres of Aboriginal people by local settlers and Mounted Police occurred in the region surrounding the study area including the Mount Arthur massacre south of Mount Arthur and the Ravensworth Massacre in an unverified location likely northwest of the study area.
- All sites within the Proposal Site are significant with impacts to any site considered inappropriate and reckless.
- Artefacts and sites were assessed as significant not just as a connection to the past, but also a way to teach others in the contemporary community about Aboriginal culture and history in the present.
- Significant disturbance to the landscape throughout the Bayswater site has impacted the broader significance of the area as a cultural landscape, with individual sites and artefacts representing tangible links and greater individual value.

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

Figure 3 Aboriginal sites



4.0 Management of Aboriginal Cultural Heritage Values

4.1 Impacts to Known Aboriginal Sites

As noted in Section 3.1, one Aboriginal archaeological site is located within the ACHMP Area and will be impacted as part of SSD-9697 - Bays AS and PAD 19 (37-3-1597). This site consists of a low density subsurface artefact scatter site. In accordance with AECOM's (2020) ACHAR not mitigation (i.e., salvage) is required for this site.

4.2 Unanticipated Finds Protocol

4.2.1 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 Condition B29 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 Environmental Business Advisor 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. 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.

4.2.2 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 Environmental Business Advisor 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 Environmental Business Advisor 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 Environmental Business Advisor 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 Environmental Business Advisor 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 Environmental Business Advisor 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.

4.3 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.

4.4 Site Records Database

A comprehensive Aboriginal Site Database for the broader Bayswater 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 4.2, 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.

4.5 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.

4.6 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.

4.7 Sites Outside the Development Footprint

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

Moreover, it is noted that other known sites are a sufficient distance away from the construction footprint 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 approved area.

5.0 Aboriginal Community Engagement

5.1 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.

5.2 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.

5.3 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 4 and will continue to be consulted with regards to Aboriginal cultural heritage values relevant to the Ravensworth Ash Line.

Table 4: Registered Aboriginal Parties

Ref	Group Name	Primary Contact
1	Didge Ngunawal Clan	Paul Boyd
2	WLALC	Noel Downs
3	Aboriginal Native Title Elders Consultants	Margaret Mathews
4	Wattaka Wonnarua Cultural Consultancy Services	Des Hickey
5	Ungooroo Aboriginal Corporation	Allen Paget
6	Tocomwall Pty Ltd/ Scott Franks and Anor on behalf of the Plains Clans of the Wonnarua People (PCWP)	Scott Franks

Ref	Group Name	Primary Contact
7	AGA Services	Ashley Sampson
8	Cacatua Culture Consultants	George Sampson
9	Lower Hunter Wonnarua Cultural Services	Tom Miller
10	Murra Bidgee Mullangari	Ryan Johnson
11	Gidawaa Walang Cultural Heritage Consultancy	Craig Horne
12	Yinarr Cultural Services	Kathie Steward Kinchela
13	Merrigarn	Shaun Carrol
14	Muragadi	Jessie Carrol-Johnson
15	A1 Indigenous Services	Carolyn Hickey
16	Widescope Indigenous Group	Steven Hickey
17	Kauwul Wonn1	Arthur Fletcher
18	Aliera French Trading	Aliera French
19	Crimson-Rosie	Jeffery Mathews
20	Hunter Traditional Owner	Paulette Ryan
21	Hunter Valley Cultural Surveying	Luke Hickey
22	Jarban and Mugrebea	Les Atkinson
23	Lower Wonnaruah Tribal Consultancy	Barry Anderson
24	Nunawanna Aboriginal Corporation	Colin Ahoy
25	Wonnarua Nation Aboriginal Corporation	Laurie Perry

5.4 ACHMP Consultation

The draft ACHMP was distributed to all RAPs listed in Table 4 on the 29 April 2022 for consultation and comment. RAPs were provided with a minimum 28-day period to provide comments on the plan. One written response to the draft ACHMP was received. A copy of the RAP correspondence is provided in Appendix B.

5.5 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 site (e.g., object, burial, grinding groove or scarred tree) in accordance with the process described in Section 4.2;
- 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 items at the site.

6.0 Regulatory Consultation

6.1 Heritage NSW

On 7 June 2022 Heritage NSW provided the following comments on the final ACHMP.

“Heritage NSW can advise that the ACHMP is adequate and appropriate for the Ravensworth Ash Line component of the works scope of works. Heritage NSW has no additional comments or concerns. Please contact me directly should you require any additional information”.

A copy of the consultation is provided in Appendix C.

7.0 Incident, Non-Compliance & Complaints Management

7.1 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. Environmental Business Advisor is to be notified;
- b. Environmental Business Advisor 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.

7.2 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.

7.3 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. Bayswater 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 (1800039600)
- Via email. AGLCommunity@agl.com.au

8.0 Audit, and Review

8.1 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 D of SSD-9697:

D12. 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).

D13. Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit.

D14. 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.

D15. 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.*

D16. 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.

D17. 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.

8.2 Review Schedule

The suitability of this ACHMP will be reviewed in accordance with Condition D3 of SSD 9697, that is within three months (unless the Planning Secretary agrees otherwise), of:

- (a) the submission of an incident report under condition D4;
- (b) the submission of an audit report under condition D12; 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.

9.0 Training and Inductions

Generic Aboriginal cultural heritage management training is provided to all employees and contractors through the site induction process at Bayswater 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 cultural heritage values 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.

10.0 References

AECOM Australia Pty Ltd. 2020. *Bayswater Power Station WOAOW Project Aboriginal Cultural Heritage Assessment Report*. Unpublished report for AGL Macquarie.

NSW Department of Environment Climate Change & Water. 2010. *Aboriginal Cultural Heritage Consultation Requirements for Proponents*. Department of Environment, Climate Change and Water.

NSW Office of Environment & Heritage. 2011. *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW*. Office of Environment and Heritage.

Appendix A – CV

AECOM Imagine it.
Delivered.

Résumé

1

Geordie Oakes
Principal Heritage Specialist

Qualifications
Graduate Certificate in Paleoanthropology,
University of New England (2017)

Bachelor of Arts (Hons) Archaeology -
Historic/Pre-historic, Sydney University (2007)

Diploma of Information Technology (2001)

Affiliations
Australian Archaeological Association – Member
Australian ICOMOS – Associate Member

Certificates & Training
NSW 'White Card' General Safety Induction
(Construction Industry) #CGIO1142255SEQ1

NSW RIW Rail Safety Worker Card #RSN0010080545-
100

4WD Training – Getabout Training Services

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.

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.

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.

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.

02-Feb-2018

AECOM

Résumé: **Geordie Oakes**
Principal Heritage Specialist

2

Detailed Experience

Selected projects include:

Bayswater WDAOW Project 2020 (AGL) Project Manager responsible for coordinating fieldwork and reporting.

North Benalla Solar Farm CHMP 2020 (South Energy) Project Manager responsible for coordinating fieldwork and reporting.

Rouse Hill WRP ACHAR and Historic Assessment 2020 (Sydney Water) Project Manager responsible for coordinating fieldwork and reporting.

Newell Highway Aerodrome SoHI 2020 (TfNSW) Project Manager responsible for coordinating fieldwork and reporting.

Newell Highway Tap Hill SoHI 2020 (TfNSW) Project Manager responsible for coordinating fieldwork and reporting.

Barton Highway Duplication Stage 2/3 PACHCI 2019 (RMS) Project Manager responsible for coordinating fieldwork and reporting.

Maxwell Coal Project ACHAR 2019 (Malabar Coal). Project Manager responsible for coordinating fieldwork and reporting.

Maxwell Solar Farm ACHAR 2019 (Malabar Coal). Project Manager responsible for coordinating fieldwork and reporting.

SWPGA ACHAR and AHIP (Sydney Water). Project Manager responsible for coordinating fieldwork and reporting.

Bomen Solar Farm 2019 ACHAR and ACHMP 2019 (Beast Solutions). Project Manager responsible for coordinating fieldwork and reporting.

Riverstone Scheduled Lands Stage A2 ACHAR, AHIP & Salvage 2017-2019 (Landcom). Project Manager responsible for coordinating fieldwork and reporting.

Archaeological Salvage of A7 2019 (Sydney Water). Project Manager responsible for coordinating fieldwork and reporting.

North Richmond Infrastructure ACHAR and AHIP 2019 (Sydney Water). Project Manager responsible for coordinating fieldwork and reporting.

Springdale Solar Farm 2018 ACHAR and Historical Assessment (Renew Estate). Project Manager responsible for coordinating fieldwork and reporting.

Westconnex New M5 2017 (RMS). Stage 2 PACHCI Aboriginal Assessment. Technical special lead coordinating all aspects of the assessment including fieldwork and reporting.

Bengalla Continuation of Mining ACHAR, ACHMP & Salvage 2012-2017 (BMC). Project Manager coordinating all aspects of the assessment including fieldwork, reporting and stakeholder liaison.

Riverstone Lead-ins ACHAR, AHIP and Salvage 2013-2018 (Sydney Water). Project Manager responsible for coordinating fieldwork and reporting.

Moolarben Rockshelter excavation 2015 (Moolarben Coal Operations). Project Manager coordinating all aspects of the assessment including fieldwork and reporting.

Box Hill Residential Development ACHAR, AHIP & Salvage 2013-17 (Welsh Consulting). Project Manager coordinating all aspects of the assessment including fieldwork and reporting.

300 Sixth Avenue ACHAR 2017 (RPS). Project Manager coordinating all aspects of the assessment including fieldwork and reporting.

22 Water Due Diligences 2016 (Hunter Water). Project Manager coordinating all aspects of the assessment including fieldwork and reporting.

Menangle Park Test Excavation and Section 90 AHIP 2013. Project Manager coordinating all aspects of the assessment including fieldwork and reporting.

Drayton South Aboriginal Heritage Assessment, 2011 and ACHMP Project Manager coordinating all aspects of the assessment including fieldwork, reporting and stakeholder liaison.

Heritage Related Professional History

2009 - Present

AECOM

Archaeologist

2007- 2008

Heritage Concepts

Archaeologist

02-Feb-2018

Appendix B – RAP Responses to the ACHMP

Oakes, Georgie

From: Scott Franks <scott@tocomwall.com.au>
Sent: Saturday, 30 April 2022 6:57 AM
To: Oakes, Georgie; Robert Lester; Rachael Chick; ATSIHPA
Subject: [EXTERNAL] Re: Bayswater Power Station/Ravensworth Ash Line - Draft Aboriginal Cultural Heritage Management Plan (ACHMP) Review

Importance: High

Dear Georgie,

Thank you for the Bayswater Power Station/Ravensworth Ash Line - Draft Aboriginal Cultural Heritage Management Plan (ACHMP). After a careful review of this document, I have been able to determine that sections of the proposed alignment of the ash line, it does in fact impact on the Section 10 Specified Area, as such Tocomwall and the PCWP cannot support this project proceeding.

For your reference, your client is a party to the section 10 application and is very aware of the Specified area and the recommendations currently before the federal minister recommending the placement of the section 10 for a period of 20 years. It would appear that Bayswater (AGL) has not disclosed to AECOM the details of the section 10, could you please request that your client provide you with access to the document and please review page 34 of 360

Page 34 of 360

FIGURE 4: DAWE satellite imagery map of the SPECIFIED AREA



You page from your draft page 11 from your Bayswater Power Station/Ravensworth Ash Line - Draft Aboriginal Cultural Heritage Management Plan (ACHMP)

Appendix C – Heritage NSW Response to the ACHMP



From: Nicole Davis <Nicole.Davis@environment.nsw.gov.au>
Sent: Thursday, 9 June 2022 7:34 AM
To: McLaren, Andrew <Andrew.McLaren@aecom.com>; Oakes, Georgie <Georgie.Oakes@aecom.com>
Subject: [EXTERNAL] FW: Heritage NSW - ACH - ACHMP - Bayswater Power Station Upgrade - BW SSD9697 RavAshLine_ACHMP (SSD-9697-PA-3) (Muswellbrook Shire, Singleton Shire)

Hi Andrew and Georgie,

I was trying to refer this advice back to the proponent, however the email address was no longer valid, I noted that you were both listed in the ACHMP, so sending to you directly to make sure it is received.

Cheers Nicole

Nicole Davis
Manager Assessments
Heritage NSW
Department of Planning and Environment

T 02 4927 3156 M 0409 394 343 E nicole.davis@environment.nsw.gov.au

Locked Bag 5020 Parramatta 2124

Working Days Monday to Friday



I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

From: Nicole Davis
Sent: Thursday, 9 June 2022 7:31 AM
To: Mandana Mazaheri <Mandana.Mazaheri@planning.nsw.gov.au>
Subject: Heritage NSW - ACH - ACHMP - Bayswater Power Station Upgrade - BW SSD9697 RavAshLine_ACHMP (SSD-9697-PA-3) (Muswellbrook Shire, Singleton Shire)

Dear Mandana,

I was intending to send this advice to the proponent, however the email address supplied is no longer valid. As you were the most relevant DPE Planner that HNSW as provided advice to in relation to this SSD, I am sending to you initially. If you could please let me know when you receive this advice and if I need to refer it to anyone else please?

Regards Nicole

Heritage NSW has reviewed the *Bayswater Power Station Ravensworth Ash Line, Aboriginal Cultural Heritage Management Plan*, 07-Jun-2022, AECOM Australia Pty Ltd, as requested.

Heritage NSW understands that the Bayswater 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 18 February 2022, AGL Macquarie was granted Development Consent by the Department of Planning, Industry and Environment (DPE) for the Bayswater Power Station Upgrade Project (SSD-9697) (the Project), a State Significant Development (SSD) encompassing a series of upgrades to the power station. These upgrades are to ensure the ongoing operation of the power station for its remaining operational life and improve environmental outcomes. Upgrades include:

- construction of a salt cake landfill facility;
- upgrades to increase ash recycling;
- construction of borrow pits;
- water infrastructure upgrades; and
- ancillary works.

I note that Condition B29 of the Development Consent requires the preparation of an Aboriginal Cultural Heritage Management Plan (ACHMP) for the works, and that this ACHMP has been prepared for the Ravensworth Ash Line component of the upgrade works.

I also note that the objectives of this ACHMP are to:

- ensure compliance with the relevant operating conditions of SSD-9697;
- detail all relevant statutory requirements associated with Aboriginal cultural heritage values and the Ravensworth Ash Line component of SSD-9697;
- 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;
- detail the archaeological salvage program required as part of the Development Consent prior to the commencement of any ground disturbance;
- provide a strategy for the care, control and storage of Aboriginal objects salvaged as part of the Development Consent;
- provide a protocol for ongoing consultation with Registered Aboriginal Parties (RAPs);
- provide a protocol for reasonable access to Aboriginal objects and places;
- 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; and
- manage complaints related to Aboriginal cultural heritage in a timely and effective manner.

Heritage NSW can advise that the ACHMP is adequate and appropriate for the Ravensworth Ash Line component of the works scope of works. Heritage NSW has no additional comments or concerns. Please contact me directly should you require any additional information.

Kind Regards
Nicole Davis

Nicole Davis
Manager Assessments
Heritage NSW
Department of Planning and Environment

T 02 4927 3156 M 0409 394 343 E nicole.davis@environment.nsw.gov.au

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