

Broken Hill BESS Stage 3 – Heritage Management Plan

Fluence Energy

DOCUMENT TRACKING

Project Name	Broken Hill BESS Stage 3 – Heritage Management Plan
Project Number	23SYD5804
Project Manager	Jennifer Norfolk
Prepared by	Jennifer Norfolk
Reviewed by	Karyn McLeod
Approved by	David Bonjer
Status	Final
Version Number	V5
Last saved on	19 December 2023

This report should be cited as ‘Eco Logical Australia, 2023 Broken Hill BESS Stage 3 – Heritage Management Plan. Prepared for Fluence Energy’

ACKNOWLEDGEMENTS

This document has been prepared by Eco Logical Australia Pty Ltd.

Disclaimer

This document may only be used for the purpose for which it was commissioned and in accordance with the contract between Eco Logical Australia Pty Ltd and Fluence Energy. The scope of services was defined in consultation with Fluence Energy, by time and budgetary constraints imposed by the client, and the availability of reports and other data on the subject area. Changes to available information, legislation and schedules are made on an ongoing basis and readers should obtain up to date information. Eco Logical Australia Pty Ltd accepts no liability or responsibility whatsoever for or in respect of any use of or reliance upon this report and its supporting material by any third party. Information provided is not intended to be a substitute for site specific assessment or legal advice in relation to any matter. Unauthorised use of this report in any form is prohibited.

Template 2.8.1

Contents

1. Introduction	1
1.1. Project background.....	1
1.2. Development Consent	1
2. Heritage Management Plan	3
2.1. Heritage context	3
2.2. Management of BESS-AS1-21	5
2.3. Unexpected finds.....	5
2.3.1. Unexpected Aboriginal Objects procedure.....	5
2.3.2. Unexpected human skeletal remains	8
2.4. Heritage Induction.....	11
2.5. Consultation with Aboriginal Stakeholders and Heritage NSW.....	11
References	12
Appendix 1: Correspondence from Heritage NSW	13
Appendix 2: Consultation with Aboriginal stakeholders.....	14

List of Figures

Figure 1: Broken Hill BESS Project Area (AECOM, 2022).....	2
Figure 2: Location of BESS-AS1-21 (AECOM, 2021).....	4
Figure 3: Procedure for unexpected Aboriginal objects	7
Figure 4: Procedure for unexpected human skeletal remains.....	10

1. Introduction

1.1. Project background

Eco Logical Australia (ELA) have been engaged by SQE Solutions, on behalf of Fluence Energy Pty Ltd and AGL Macquarie Pty Ltd, to develop a Heritage Management Plan (HMP) for Stage 3 of the Broken Hill Battery Energy Storage System (BESS). Stage 1 and Stage 2 refers to the construction of both the battery storage facility and the high voltage transmission line, which have been both been completed. Stage 3 refers to the ongoing operation of the BESS and involves no further construction.

The BESS will provide a range of network services to augment the reliability of energy supply at Broken Hill with a capacity of approximately 50 megawatts (MW) and 50 megawatt-hour (MWh). The location of the BESS is situated on two lots at 74-80 Pinnacles Place, Broken Hill, NSW (Lots 57 and 58 of DP 258288).

1.2. Development Consent

Development Consent has been approved under Section 4.38 of the *Environmental Planning & Assessment Act 1979* as a State Significant Development (SSD-11437498) as authorised by the Minister for Planning and Public Spaces. The Development Consent stipulates that a HMP be carried out prior to any development to the satisfaction of the Planning Secretary.

The Development Consent was informed by the Environmental Impact Statement (EIS) and assesses the environmental impacts of the project against the activities being conducted also under Section 4.12(8) of the *Environmental Planning and Assessment Act 1979*. The EIS was prepared in accordance with Schedule 2 of the *Environmental Planning and Assessment Regulations 2000* and included an Aboriginal Cultural Heritage Assessment Report completed by AECOM (2021, 2022)

The Development Consent specifically outlines that a suitably qualified and experienced person be appointed and endorsed to both consult and prepare the HMP. A copy of written advice from the Department of Planning and Environment endorsing ELA Senior Archaeologist Jennifer Norfolk is provided below (Appendix 1).

Condition 2, Schedule 4 stipulates that the HMP will be updated prior to upgrading or decommissioned activities carried out within the BESS site. In the event of an incident report, audit report or any modification to the conditions of the Development Consent, this HMP must be reviewed and, if necessary, revised to the satisfaction of the Planning Secretary.

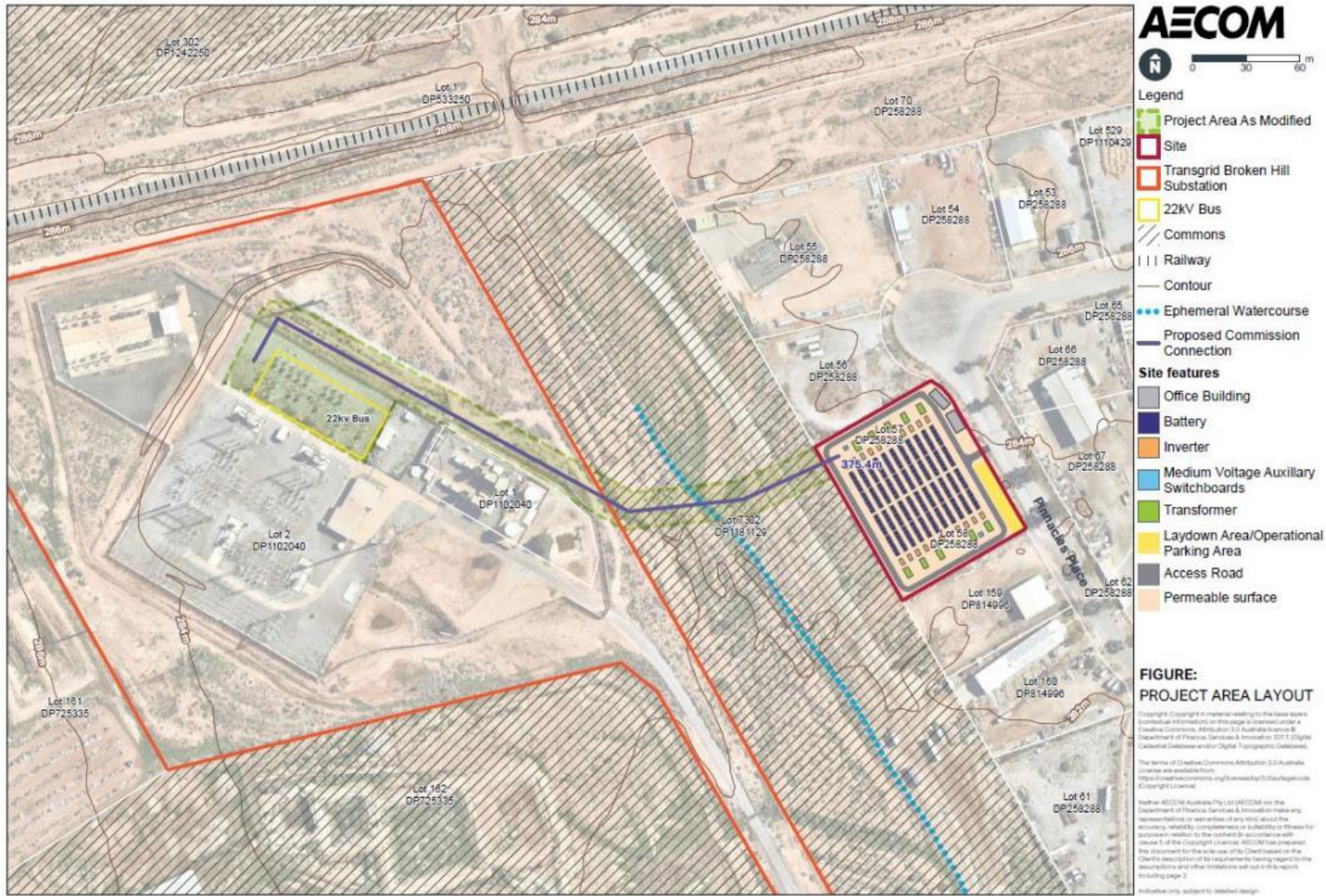


Figure 1: Broken Hill BESS Project Area (AECOM, 2022)

2. Heritage Management Plan

2.1. Heritage context

AECOM Australia Pty Ltd (AECOM) undertook an Aboriginal Cultural Heritage Assessment (ACHA) for the BESS and associated infrastructure as part of the Environmental Impact Statement (EIS) for the Secretary's Environmental Assessment Requirements (SEARs) (AECOM, 2021). Following the submission of the EIS, Transgrid requested the proposed BESS and substation connection be modified to an underground connection, as opposed to overhead. Consequently, AECOM (2022) undertook an ACHA to support the modification application.

The initial ACHA (2021) did not identify any Aboriginal heritage constraints and did not recommend any further investigation be undertaken. The ACHA for the modification area (2022) involved an additional archaeological survey and a test excavation program. The survey identified an artefact scatter consisting of 11 artefacts in 5 m x 2 m area (BESS-AS1-2021). The test excavation program involved the excavation of ten (10) test pits however no additional artefacts or features were identified through the subsurface excavation program.

BESS-AS1-21 (AHIMS ID 23-4-0691) is assessed as low significance. Under the proposed works within the Modification Area, BESS-AS1-21 was directly impacted. In order to mitigate impact to BESS-AS1-21, AECOM (2022) recommended the relocation of all identified surface artefacts to a nearby area that would not be impacted by the modification.

The BESS was subsequently subject to additional survey by Dr Sarah Martin (2023) to account for unsurveyed portions of the footprint. Archaeologist Dr Sarah Martin, accompanied by RAPs Raymond O'Donnell Jr. and Reagon O'Donnell, identified an additional artefact near the entrance of the substation. They also re-surveyed BESS-AS-21 and identified an additional six (6) artefacts within the site 5 x 2 m barricaded site extent.

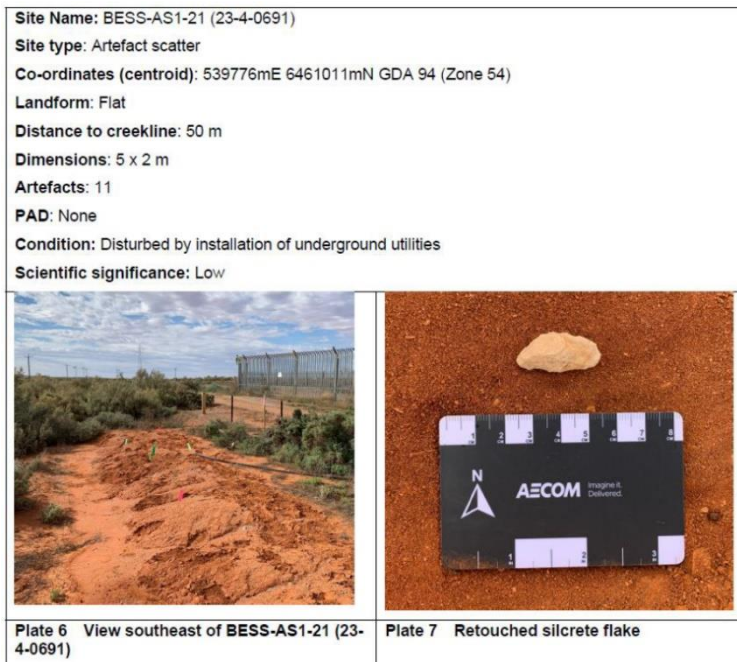




Figure 2: Location of BESS-AS1-21 (AECOM, 2021)

2.2. Management of BESS-AS1-21

Under approval SSD-11437498-Mod-1, BESS-AS1-21 has been relocated outside of the approved development footprint and therefore no further mitigation measures are required for this site. The operation of the BESS site does not require ground disturbance activities and therefore no impact is proposed. It was recommended that the additional artefact identified during survey conducted by Dr Sarah Martin, located outside of BESS-AS1-21, be re-located within the BESS-AS1-21 site extent. Exclusion fencing has been established surrounding the BESS-AS1-21 site extent.

2.3. Unexpected finds

As required by the conditions of approval, an unexpected finds protocol for Aboriginal heritage is required for inclusion in the HMP.

An 'unexpected find' means any unanticipated discovery of an actual or potential heritage object, for which the Proponent does not have approval to disturb. These discoveries are categorised as either:

- a) Aboriginal objects;
- b) Human skeletal remains.

Aboriginal objects

The *National Park and Wildlife Act 1974* (NSW) protects Aboriginal objects which are defined as:

“any deposit, object or material evidence (not being a handcraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains”.

Examples of Aboriginal objects include stone tool artefacts, shell middens, axe grinding grooves, pigment or engraved rock art, burials and scarred trees. All Aboriginal objects, regardless of significance, are protected under law.

2.3.1. Unexpected Aboriginal Objects procedure

Discovery

- Stop all work in the immediate area of the item and notify the Operations Manager, Site Manager (or equivalent).
- Establish a 'no-go zone' 10 m surrounding the item/s. Use high-visibility fencing where practical.
- Inform all site personnel about the no-go zone. No further interference, including works, ground disturbance, touching or moving the item must occur within the no-go zone.

Notification

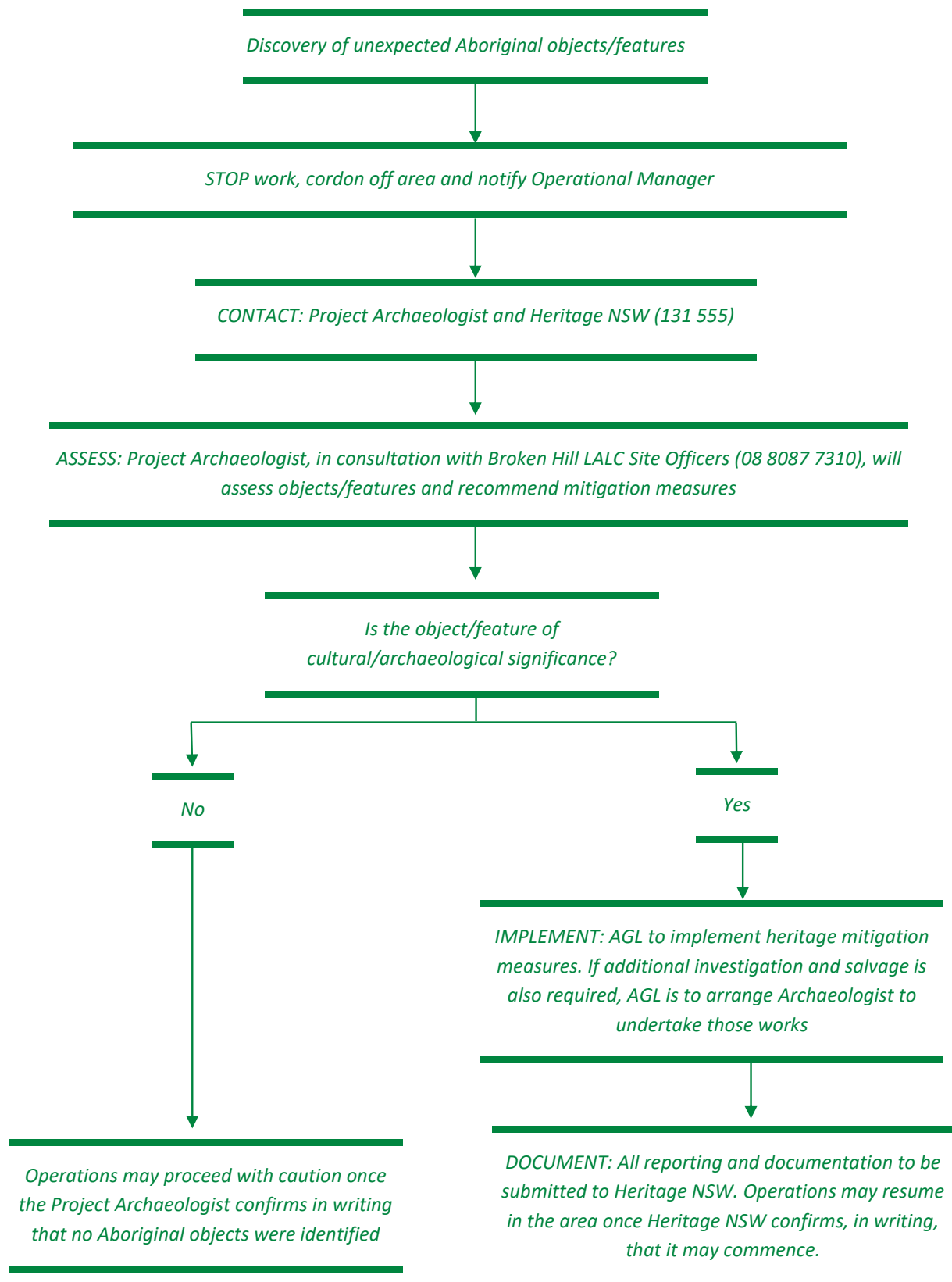
- Contact the Project Archaeologist to assess the find and arrange a site inspection, if required. In some cases, the Archaeologist may determine from photographs that no site inspection is required and the finds are not Aboriginal objects.

- If it is assessed that the finds are not Aboriginal objects and no archaeological constraint exists for the project, advice should be provided in writing (e.g., via email), from the Archaeologist and works can continue with caution.
- If it is assessed that the finds are Aboriginal objects, the Archaeologist must notify RAPs and Heritage NSW as soon as practicable under section 89A of the NPW Act through contacting the Environment Line (131 555).

Process

- The Archaeologist should formally record the item/s and assess whether heritage impact is consistent with the existing approvals or if approval modification is required from Department of Planning and Environment (DPE) and Heritage NSW.
- If additional investigation, such as excavation, salvage and/or community collection, is recommended in consultation with RAPs, the Manager is to arrange for the heritage consultant and RAPs to undertake those works. Further approvals may be required from Heritage NSW.
- Where statutory approvals (or project approval modification) are required, impact upon Aboriginal objects must not occur until approvals are issued by Heritage NSW. The DPE must also be contacted via the Major Project Portal to notify of an incident.
- Where statutory approval is not required but where recording is recommended by the Archaeologist, sufficient time must be allowed for this to occur.
- All reporting and documentation are to be submitted to Heritage NSW.
- New site cards should be submitted to AHIMS or relevant site cards amended.
- Operation can recommence once the objects are fully recorded and approval in writing has been received from Heritage NSW.
- In the event that artefacts are collected, they will be temporarily stored in an appropriate manner and in the custody of the Archaeologist for recording and will then be returned to Country at the discretion of the Archaeologist in consultation with the RAPs.
- The permanent storage arrangements will be determined by the RAPs, facilitated by the Archaeologist, but may involve transfer of Aboriginal objects to a keeping place or re-burial of objects.
- RAPs will be provided the opportunity to conduct any ceremonies or cultural acknowledgement as deemed appropriate by the RAP.
- The permanent storage arrangements must be documented via a photographic record, field notes, GPS location and the appropriate documentation by the Archaeologist and submitted to Heritage NSW.

Figure 3: Procedure for unexpected Aboriginal objects



2.3.2. Unexpected human skeletal remains

Discovery:

- If any human remains or suspected human remains are found during any activity, work in the vicinity must cease
- The remains must be left in place and protected from harm or damage, through low-impact fencing and protective, waterproof tarp
- All personnel should then leave the immediate area.

Notification:

- The relevant Manager must be contacted immediately, who must then contact NSW Police. The Broken Hill Police can be contacted on (08) 8087 0299.
- Police will make an initial assessment to determine if the remains are human. If thought to be Aboriginal remains, local police will contact the Heritage NSW and an officer will confirm in writing if remains are Aboriginal.
- Where it is suspected that less than 100 years has elapsed since death, human skeletal remains come under the jurisdiction of the State Coroner and the *Coroners Act 2009 (NSW)*. Under s 35(2) of that Act, a person must report the death to a Police Officer, a coroner or an assistant coroner as soon as possible. This applies to all human remains less than 100 years old regardless of ancestry. Public health controls may also apply.
- Where remains are suspected of being more than 100 years old, they are considered to be either Aboriginal objects or non-Aboriginal relics depending on the ancestry of the individual. Aboriginal human remains are protected under the *National Parks and Wildlife Act 1974*, while non-Aboriginal remains are protected under the *Heritage Act 1977 (NSW)*.
- If there are reasonable grounds to be believe that remains are Aboriginal, the following steps must be followed:
 - The Heritage NSW Environment Line (131 555) must be contacted as soon as possible and be provided all available details, including the location and nature of the remains
 - The DPE must be notified via the Major Projects portal.
 - The relevant Aboriginal community groups, as advised by Heritage NSW, must be notified immediately
 - The relevant project archaeologist may be contacted to facilitate communication between the police, Heritage NSW and Aboriginal community groups

Process:

- If the remains are considered to be Aboriginal by the Police and Heritage NSW, no work can recommence at the particular location unless authorised in writing by Heritage NSW. The remains must continue to be protected from the elements and from visibility. Public access must be restricted to the area in which the remains have been identified.
- Recording of Aboriginal ancestral remains must be undertaken by, or conducted under the direct supervision of, a specialist physical anthropologist or other suitably qualified specialist.
- Archaeological reporting of Aboriginal ancestral remains must be undertaken by, or reviewed by, a specialist physical anthropologist or another suitably qualified person. It is imperative that specialists do their utmost to use respectful and appropriate language in consideration of the ancestral remains as the remains of an Aboriginal person rather than as a scientific specimen.

- If the remains are considered to be Aboriginal by the Police and Heritage NSW, an appropriate management and mitigation and/or salvage strategy will be implemented following further consultation with the Aboriginal community and Heritage NSW.
- If it is assessed that the finds are not human and no archaeological constraint exists for the project, advice should be provided in writing (e.g. via email) from the Archaeologist, and works can continue with caution.
- If the remains are assessed to be historical relics, an appropriate management and mitigation and/or salvage strategy will be implemented by the Project Archaeologist following further consultation with Heritage NSW.
- Works may resume once a clearance certificate is provided by the Archaeologist and, if required, approval from NSW Ministry of Health and, if a forensic case, written authorisation from the NSW Police.

Figure 4: Procedure for unexpected human skeletal remains



2.4. Heritage Induction

All staff and contractors involved in BESS operations activities should be aware of the types of Aboriginal objects or relics that might occur in the study area and their obligations under the *Heritage Act 1977* (Heritage Act) or *National Parks and Wildlife Act 1974* (NPW Act).

This can take the form of a face-to-face heritage induction performed by a qualified Archaeologist or in the form of induction sheets provided by a qualified Archaeologist. These sheets contain illustrations or photos of the types of objects that maybe found and basic instructions for what to do and who to contact. They must be prominently displayed on site for reference. The induction must also include site details and location of BESS-AS1-21.

Heritage impacts will be minimised or avoided if these protocols have been followed and all site personnel are aware of their responsibilities. If the Heritage Inductions and the measures outlined in Section 2.3 are undertaken, any potential impacts to Aboriginal objects and human skeletal remains would be mitigated and managed appropriately and in accordance with the conditions of consent and NPW legislative guidelines.

2.5. Consultation with Aboriginal Stakeholders and Heritage NSW

The Development Consent requires that the HMP is prepared in consultation with Heritage NSW and Aboriginal stakeholders. On 20 July 2023, the HMP was provided to the Registered Aboriginal Parties (RAPs). No responses to the HMP have been received. Refer to Appendix 2 for consultation log and correspondence.

On 23 September 2023, a response was received from Heritage NSW supporting the recommendations and management strategies outlined in this HMP. Refer to Appendix 1 for detailed correspondence.

Consultation with Aboriginal stakeholders must be ongoing. As outlined in the Unexpected Finds procedures (Section 2.3), Aboriginal stakeholders must be notified in the event of an Aboriginal object or Aboriginal human remains identified with the BESS site.

References

AECOM Australia Pty Ltd, 2021. Broken Hill Battery Energy Storage System Project Aboriginal Cultural Heritage Assessment Report. Unpublished report for AGL.

AECOM Australia Pty Ltd, 2022: Broken Hill Battery Energy Storage System Project Modification Aboriginal Cultural Heritage Assessment Report. Prepared for AGL Macquarie Pty Ltd

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

Heritage Act 1977 No. 136. New South Wales.

National Parks and Wildlife Act 1974 No. 80. New South Wales.

Appendix 1: Correspondence from Heritage NSW



Vicki Brady
AGL
Email: vbrady@agl.com.au

Your reference: SSD-11437498-PA-49
Our reference: DOC23/768716

Dear Vicki,

**Heritage Management Plan – State Significant Development – Broken Hill Battery
Energy Storage System– SSD-11437498-PA-49**

Thank you for your referral seeking advice on the Heritage Management Plan (HMP) for the above State Significant Development (SSD) project. Thank you for the continued opportunity to comment on the project.

It is understood that the HMP relates to Stage 3 of Broken Hill Battery Energy Storage System subject to approval SSD-11437498. Heritage NSW generally supports the recommendations and management strategies outlined in the HMP.

Please note that the above comments relate only to Aboriginal cultural heritage regulation matters. You may wish to seek separate advice from Heritage NSW in relation to matters under the *Heritage Act 1977*.

If you have any questions regarding the above comments, please contact Alison Lamond, Senior Assessments Officer, at alison.lamond@environment.nsw.gov.au

Yours sincerely

A handwritten signature in black ink that reads 'Nicole Davis'.

Nicole Davis
Manager Assessments
Heritage NSW
Department of Planning and Environment
(As Delegate under *National Parks and Wildlife Act 1974*)
22 September 2023

Appendix 2: Consultation with Aboriginal stakeholders

Refer to Table 1 for record of consultation with Aboriginal stakeholders as part of the Broken Hill BESS Stage 3 HMP.

Table 1: Consultation log

Contact	Organisation	Contacted by	Organisation	Date	Method	Comment/response
Cally Doyle		Charlotte Bradshaw	Eco Logical Australia	20/07/2023	Email	No response.
	Broken Hill LALC	Charlotte Bradshaw	Eco Logical Australia	20/07/2023	Email	No response.
Maureen and Joanne O'Donnell	Wilyakali Aboriginal Corporation	Charlotte Bradshaw	Eco Logical Australia	20/07/2023	Email	No response.
Maeve Parker (NTS Corp)	Barkindji Aboriginal Corporation (c/- NTS Corp)	Charlotte Bradshaw	Eco Logical Australia	20/07/2023	Email	No response.

From: [Bradshaw, Charlotte](mailto:Bradshaw_Charlotte)
To: kmpolite55@gmail.com; Lenny.Johnson@environment.nsw.gov.au; [Maeve.Parker](mailto:Maeve.Parker@ntscorp.com.au); joanneodonnell05@outlook.com; ceo@bhialc.org.au; chairperson@bhialc.org.au; cj_doyle@hotmail.com; Roger.Mehr
Subject: Broken Hill BESS Stage 3 Heritage Management Plan
Date: Thursday, 20 July 2023 2:59:00 PM
Attachments: [23SYD5804 Broken Hill BESS Stage 3 v1.pdf](#)

Dear RAPs,

I am writing as you have previously registered your interest for consultation as part of the Broken Hill Battery Energy Storage System (BESS) Project at 74-80 Pinnacles Place, Broken Hill.

AECOM previously undertook the Aboriginal Cultural Heritage Assessment and test excavation program for the project. It is my understanding that you have been in contact with Tim Hill of Eco Logical Australia as part of developing the Heritage Management Plan (HMP) for both Stage 1 and Stage 2 of the project.

Please find attached the HMP for Stage 3 of the project. Stage 3 refers solely to the operation of the BESS and does not involve any additional development or construction to the site. The aim of the HMP is mitigate harm to any unknown Aboriginal objects or features through a comprehensive unexpected finds procedure.

If you could please provide any comments you may have on the HMP, including objections or endorsements, by Wednesday next week (26 July).

Should you have any questions concerning the HMP, please don't hesitate to contact me via email (charlotteb@ecoaus.com.au) or phone (02 9259 3794).

Kind regards,
Charlotte Bradshaw
 Heritage Consultant

Eco Logical Australia Pty Ltd
 PO Box Q1082, Queen Victoria Building, NSW 1230
 Level 3, 101 Sussex Street, Sydney, NSW, 2000
 T: 02 9259 3794
www.ecoaus.com.au



