

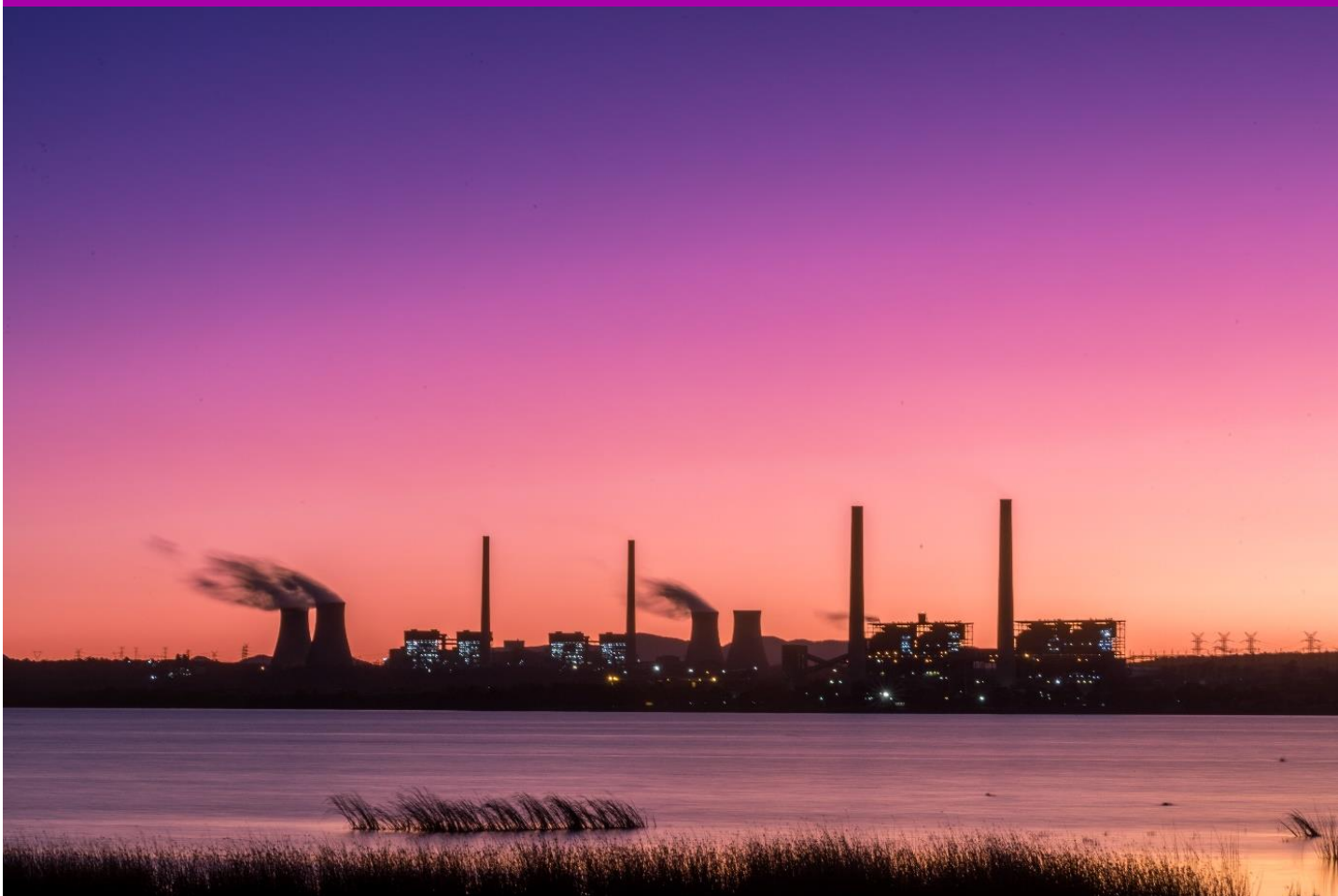


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Stage 3 Bayswater Ancillary Works - Cultural Heritage Management Plan

AGL Macquarie Limited

SSD Post Approval Documentation
22 May 2024



Stage 3 Bayswater Ancillary Works - Cultural Heritage Management Plan

Client name:

AGL Macquarie Limited

Project name:

SSD Post Approval Documentation

Client reference:

AGL

Version:

E

Date:

22 May 2024

Project no:

IS479000

Project manager:

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File name:

Stage 3 BAW_Cultural Heritage
Management Plan Rev D

Document history and status

Version	Date	Description	Author	Checked	Reviewed	Approved
Rev A	27/09/2023	Initial Draft	D. Kelly/ J. Ferguson	C. Do Nascimento	F. Scully	P. Horn
Rev B	29/11/2023	Client review	D. Kelly/ J. Ferguson	C. Do Nascimento	F. Scully	P. Horn
Rev C	12/01/2024	Update post RAP consultation	D. Kelly/ J. Ferguson	C. Do Nascimento	F. Scully	P. Horn
Rev D	15/03/2024	Update post HNSW consultation	D. Kelly/ J. Ferguson	C. Do Nascimento	F. Scully	P. Horn
<u>Rev E</u>	<u>21/05/2024</u>	<u>Update post DPE comments</u>	<u>F. Scully</u>		<u>C. Do Nascimento</u>	<u>P. Horn</u>

Distribution of copies

Version	Issue approved	Date issued	Issued to	Comments

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Executive summary

AGL Macquarie Pty Limited (AGLM) own and operate the Bayswater power station (Bayswater) which is approved to generate up to 2,740 megawatts (MW), the now retired (April 2023) 2,000 MW Liddell power station (Liddell), the 50 MW Hunter Valley Gas Turbines and associated ancillary infrastructure systems.

AGL has publicly announced its intention to transition towards a low-carbon future and respond to the National Energy Market (NEM) and customer requirements. Bayswater will continue to be operated through to 2035 to support the transition of the NEM toward net-zero emissions before being retired.

The Liddell Battery and Bayswater Ancillary Works Project (LBBAWP) will facilitate the efficient, safe and reliable continuation of electricity generating works from the Bayswater and Liddell site and includes alternative network connection arrangements (Decoupling Works), the installation of a grid connected battery, ancillary works to facilitate the ongoing operation of Bayswater and a consolidated consent for the continued operation of Bayswater.

Jacobs Australia Pty Ltd (Jacobs) was commissioned by AGL Macquarie Pty Limited (AGLM) to prepare a Cultural Heritage Management Plan (CHMP) for the Stage 3 Bayswater Ancillary Works (hereafter referred to as "the Project") to be undertaken at Bayswater Power Station (Bayswater) as part of the LBBAWP. The CHMP is a requirement of Development Consent (SSD-8889679), issued on 8 March 2022 by the Department of Planning and Environment (DPE). It has been developed to provide AGL Macquarie (AGLM) with a mechanism to ensure compliance with conditions B18-B23 of Development Consent (SSD-8889679), issued on 8 March 2022 and to ensure appropriate management of cultural heritage throughout the life of the Project.

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Acronyms and abbreviations

Term	Definition
%	percent
ACHAR	Aboriginal Cultural Heritage Assessment Report
ACHCRP	Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010
AGL	AGL Energy Limited
AGLM	AGL Macquarie Pty Limited
AHIMS	Aboriginal Heritage Information Management System
AHIP	Aboriginal Heritage Impact Permit
AN	Author's Note
ASIRF	Aboriginal Site Impact Recording Form
Bayswater	Bayswater Power Station
CMP	Comprehensive Management Plans
CEMP	Construction Environmental Management Plan
CHMP	Cultural Heritage Management Plan
CVAs	cultural values assessments
dGPS	Differential Global Positioning System
DPE	Department of Planning and Environment
EIS	Environmental Impact Statement
EMS	Environmental Management Strategy
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPA	Environmental Protection Authority
EPIs	Environmental Planning Instruments
EPL	Environment Protection Licence
GWh	gigawatt hours
GSV	ground surface visibility
ha	hectare(s)
HSEMS	Health, Safety and Environmental Management System
ISEPP	<i>State Environmental Planning Policy (Infrastructure) 2007</i>
Jacobs	Jacobs Australia Pty Ltd
kL	kilolitres
km	kilometre(s)
km ²	square kilometre(s)
kV	kilovolt

Stage 3 Bayswater Ancillary Works - Cultural Heritage Management Plan

Term	Definition
LALC	Local Aboriginal Land Council
LBBAWP	Liddell Battery and Bayswater Ancillary Works Project
LEP	Local Environmental Plan
Liddell	Liddell power station
Liddell Battery	the Battery
LGA	Local Government Area
m	metre(s)
MW	megawatt
NEM	National Energy Market
NPW Act	National Parks and Wildlife Act 1974
NSW	New South Wales
PAD	Potential Archaeological Deposits
POEO Act	<i>Protection of the Environment Operations Act 1997</i>
the Project	Stage 3 Bayswater Ancillary Works
RAPs	Registered Aboriginal Parties
SEARs	Secretary's Environmental Assessment Requirements
SEPPs	State Environmental Planning Policies
SEPP SRD	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
V	volt

1. Introduction

Jacobs Australia Pty Ltd (Jacobs) was commissioned by AGL Macquarie Pty Limited (AGLM) to prepare a Cultural Heritage Management Plan (CHMP) for the Stage 3 Bayswater Ancillary Works (hereafter referred to as “the Project”) to be undertaken at Bayswater Power Station (Bayswater) as part of the Liddell Battery and Bayswater Ancillary Works Project (LBBAWP). The CHMP is a requirement of Development Consent (SSD-8889679), issued on 8 March 2022 by the Department of Planning and Environment (DPE).

The Project will allow Bayswater to maintain supply to the National Energy Market (NEM) until its planned closure in 2035. It will also improve the environmental performance of the plant with no change to coal consumption – with electricity, emissions and ash generation remaining consistent.

The LBBAWP was classified as a State Significant Development (SSD) under the *State Environmental Planning Policy (State and Regional Development) 2011* (SEPP SRD). Therefore, it was subject to Part 4, Division 4.7 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), which requires that an Environmental Impact Statement (EIS) be prepared in accordance with the Secretary’s Environmental Assessment Requirements (SEARs) to support the granting of the development consent for the project.

Jacobs were commissioned to prepare an EIS for this project, which was submitted to the Department of Planning and Environment in March 2021. Development consent (SSD-8889679) was issued by DPE on the 8th of March 2022. The LBBAWP is being undertaken in the staged approach shown in Table 1-1, approved by DPE on the 18th of October 2022.

Table 1-1. LBBAWP stages

Stage
Stage 1 - Liddell decoupling works
Stage 2 - Liddell battery energy storage system and associated works
Stage 3 - Bayswater Ancillary Works

1.1 Project overview

AGL Macquarie Pty Limited (AGLM) own and operate the 2,740 megawatt (MW) Bayswater power station and associated ancillary infrastructure systems. AGL Energy Limited (AGL) acquired these assets from the NSW Government in September 2014 and in doing so formed the subsidiary AGLM.

AGL has publicly announced its intention to transition towards a low-carbon future and respond to the National Energy Market (NEM) and customer requirements. Bayswater will continue to be operated through to 2035 to support the transition of the NEM toward net-zero emissions and then is intended to be retired. AGL has committed to closing all coal fired generation assets in its portfolio by 2050.

AGLM is undertaking plans that will facilitate the efficient, safe, and reliable continuation of electricity generating works from the Bayswater and Liddell sites through the LBBAWP. The LBBAWP involves the following:

- **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 third-party industrial energy users.
- **Liddell Battery (the Battery):** The installation of a grid connected Battery Energy Storage System with capacity of up to 500 MW and 2 GWh.
- **Stage 3 Bayswater Ancillary Works:** Works associated with the ongoing operation of Bayswater which includes (but is not limited to) 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 for the ongoing operation of AGLM assets (Consolidated consents).

The Stage 3 Bayswater Ancillary Works are the subject of this CHMP.

1.2 Project location

The Project is located within the 10,000 hectares (ha) AGLM landholding, which encompasses Bayswater, Liddell, the Ravensworth rehabilitation area, Lake Liddell and surrounding buffer lands. The AGLM landholding is located approximately 15 kilometres (km) south-east of Muswellbrook, 25 km north-west of Singleton and approximately 165 km west northwest of Sydney in NSW. The location of the AGLM landholding is shown in Figure 1-1.

The Project area is located within and surrounding Bayswater, as shown in Figure 1-2. Bayswater is accessible from the New England Highway via an interchange with an unnamed east-west access road. The access road is a single carriageway road with one lane in each direction. The road has a proposed speed limit of 60km/hour.

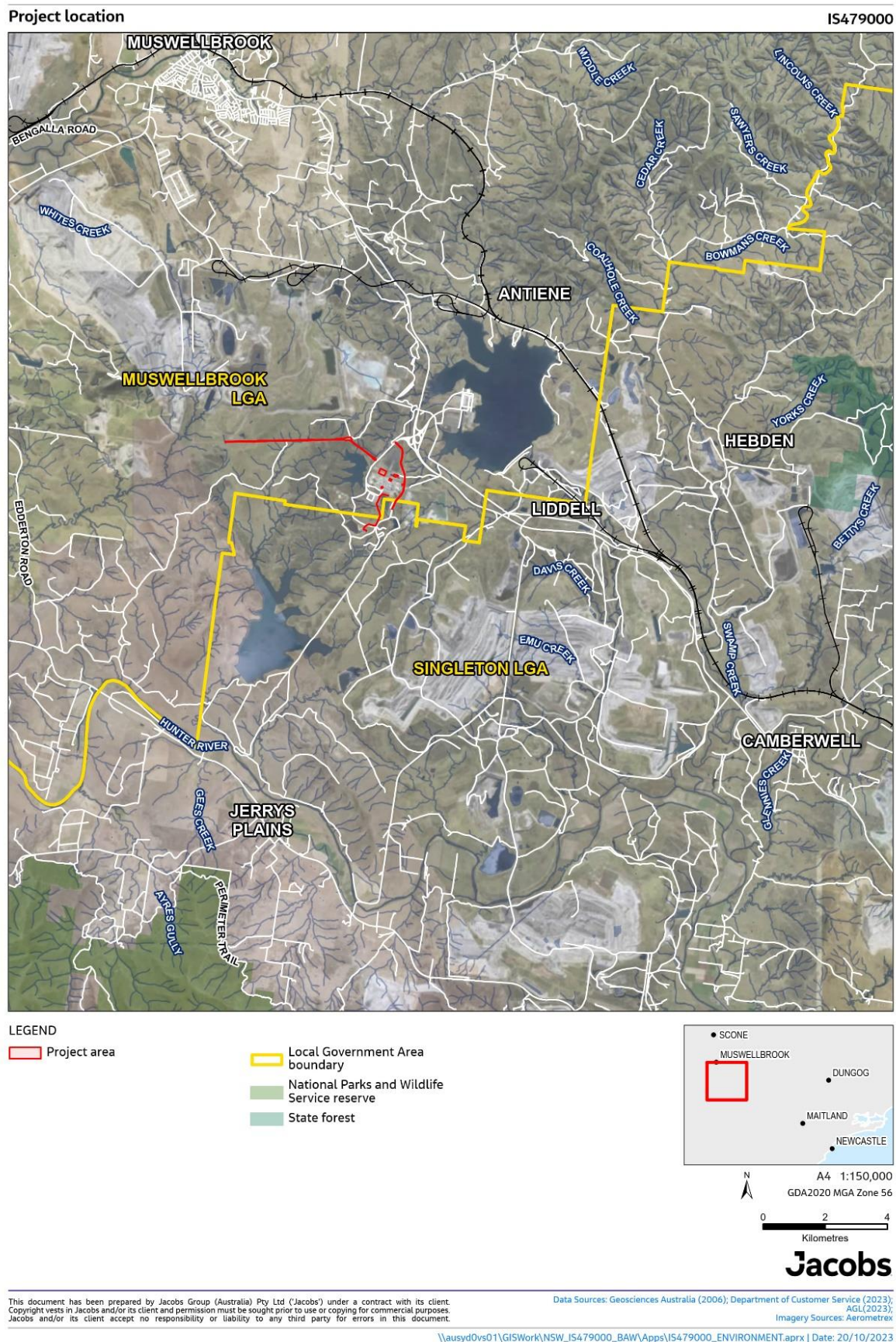


Figure 1-1. Project location

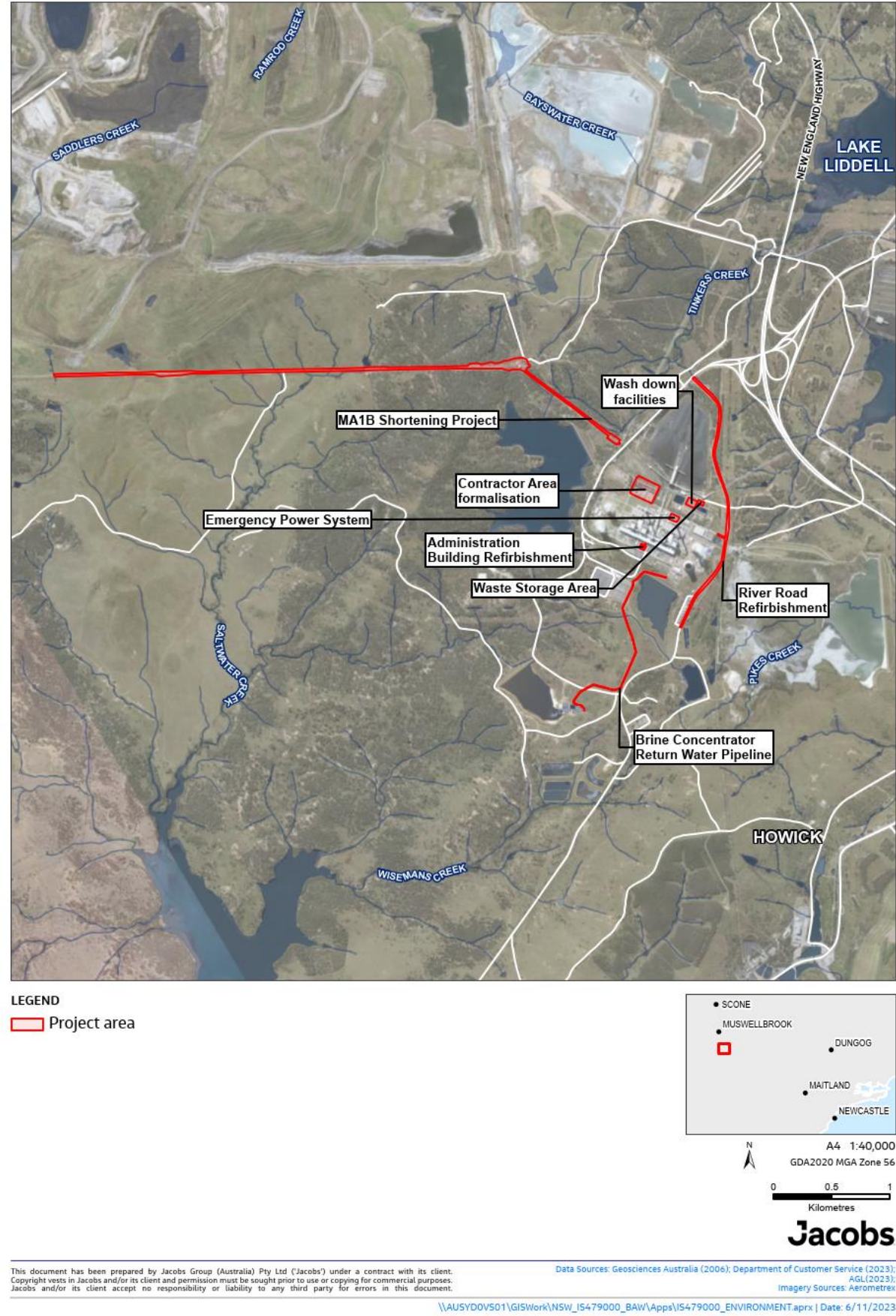


Figure 1-2. Project location

1.3 Purpose and objectives of this management plan

This management plan has been developed to provide AGLM with a mechanism to ensure compliance with conditions B18-B23 of Development Consent (SSD-8889679), issued on 8 March 2022 and to ensure appropriate management of cultural heritage throughout the life of the Project.

In order to do this, the following information has been included in this management plan:

1. A summary of Aboriginal objects and cultural values in the Project area
2. Potential impacts to those objects and values from the Project activities

This plan also provides procedures to:

- Ensure appropriate actions are undertaken throughout the life of the Project to avoid and minimise harm to Aboriginal objects and cultural values within the Project area
- Ensure appropriate mitigation for unavoidable harm occurs where necessary
- Ensure there are clear processes to be followed where unanticipated finds are encountered
- Enable ongoing consultation and engagement with Registered Aboriginal Parties (RAPs) throughout the life of the Project

1.4 Duration of management plan

This management plan comes into effect as soon as it has been approved by the Planning Secretary. It remains current until the completion of the Project.

1.5 Environmental Management

An Environmental Management Strategy (EMS) has been prepared by Jacobs that addresses all environmental management requirements that apply to the Stage 3 BAW (Jacobs, 2023).

Additionally, AGLM maintain a Health, Safety and Environmental Management System (HSEMS) for operations at Bayswater and Liddell Power Stations, and other associated infrastructure. All management plans required as part of the SSD 8889679 development consent, including the CEMP, should be written in accordance with the HSEMS processes and procedures in place for operations at Bayswater and regulatory requirements.

The purpose of the HSEMS is to ensure that works are planned and performed so that the adverse effects on the environment are either avoided or eliminated through engineering controls or are minimized. The AGLM HSEMS is currently a 'demonstrated equivalent' to the ISO 14001:2015 standard.

As part of the HSEMS, AGL have a cultural heritage standard, AGL-HSE-STD-009.8-Cultural Heritage Standard (see Appendix A). This CHMP has been developed in accordance with this standard as determined by the NSW Environment Protection Authority (EPA).

1.5.1 Alignment with other plans

The EMS establishes that environmental risks will be managed at two levels by AGLM and the Project Contractor, dependent on the results of the Preliminary Environmental Assessments completed by Jacobs for the EIS submitted to DPE in March 2021 and the conditions of Development Consent (SSD-8889679), issued on 8 March 2022.

In short, as a result of the above, the following must occur:

1. **Comprehensive Management Plans (CMP)** must be completed for Biodiversity (due to impacts being identified as having a 'Medium' risk and requirements under Condition B8 of SDD 8886979) and Aboriginal Cultural Heritage (due to requirements under Condition B22 of SDD 8886979) prior to works being undertaken on the Project. These plans are being prepared separately to the EMS and will act as stand-alone documents but should be read in conjunction with the EMS.
2. **A Construction Environmental Management Plan (CEMP)** will be developed by the Project Contractor prior to works being undertaken on the Project. A number of environmental aspects were identified as not requiring separate, stand-alone comprehensive management plans. Relevant mitigation measures for these will be addressed in the CEMP.

Table 1-2 outlines the key risks and risk categories and management plan requirements for environmental aspects for the project.

Table 1-2. Key risks and risk categories

Aspect	Risk Category	Management Plan Requirements
Biodiversity	Medium	CMP and inclusion in the CEMP
Heritage	Low	CMP and inclusion in the CEMP
Air quality	Low	EMS subplan and inclusion in the CEMP
Noise and vibration	Low	EMS subplan and inclusion in the CEMP
Contaminated land	Low	EMS subplan and inclusion in the CEMP
Soil and water	Low	EMS subplan and inclusion in the CEMP
Traffic and transport	Low	EMS subplan and inclusion in the CEMP
Access, economic, social, hazards, visual and lighting	Low	Inclusion in the CEMP

This CHMP should be read in conjunction with the EMS, the CEMP and other relevant reports.

1.6 Structure of this management plan

Table 1-3. Structure of this report

Section	Contents	Pages
1	Introduction	1-7
2	Project Description	8-13
3	Statutory framework and requirements	14-17
4	Aboriginal Consultation	18-20
5	Consultation with Heritage NSW	21
6	Existing Environment	22-25
7	Aboriginal Heritage Protection and Management Mechanisms	26-30
8	Aboriginal Heritage Protection and Management Mechanisms applied to known Aboriginal objects within the Project area	31-33
9	Implementation and Review of protection and management measures	34-36
10	References	37-38

1.7 Authors, investigators and contributors (B22(a))

A number of people participated in the preparation of this management plan. Table 1-4 describes each person and their contribution.

Table 1-4. List of contributors

Name	Title	Role in management plan preparation	Biography
Dan Kelly	Graduate Archaeologist	Report preparation	Daniel Kelly holds a Bachelor of Arts (History) and a Graduate Diploma of Maritime Archaeology. After graduating in 2022, Daniel has worked on several projects in Victoria and NSW. Daniel has contributed to several Cultural Heritage Management Plans, gaining experience in fieldwork, report writing, data management, and the preparation of site cards.
Jake Ferguson	Graduate Archaeologist	Report preparation	Jake Ferguson holds a Bachelor of Arts (Archaeology). Jake has worked fulltime for Jacobs as an Intern for 3 years. In 2022 Jake accepted a Graduate Role for Jacobs. Jake has experience in all aspects of cultural heritage report writing and fieldwork.
Fran Scully	Principal Archaeologist	Direction of report preparation, drafting management conditions and technical review	Fran Scully holds a MSc in Archaeological Geophysics and a BA (Hons) in Archaeology. Fran has over 30 years' experience as an archaeologist, with extensive experience as a consultant and in state government in heritage regulation, heritage policy and heritage listings.

Fran Scully has been approved by the Planning Secretary as being suitably qualified and experienced to prepare this Cultural Heritage Management Plan (see Appendix B).

2. Project description

2.1 Project background

Jacobs were commissioned by AGL to undertake an Aboriginal Cultural Heritage Assessment (ACHA) to support the EIS for the LBBAWP. The assessment included a desktop study to provide an understanding of the environment and known archaeological resource in the vicinity of the LBBAWP area. This would provide an understanding of the likely archaeological potential, which would be ground-truthed by archaeological survey.

A search of the AHIMS database was undertaken on 13 October 2020 for the LBBAWP area, with a 200m buffer zone. The search identified 56 previously recorded sites present within 200 m of the LBBAWP Project area. Of those 56 sites, one site AHIMS ID 37-2-6145 was within the LBBAWP and seven sites were within approximately 20 m of the LBBAWP. All of those sites are artefact scatters on open ground. One artefact scatter also included a potential archaeological deposit.

The landform of the LBBAWP comprised low undulating hills with various ranges of elevation. Geologically, the area consisted of interbedded coal seams, claystones, tuffs, siltstones, sandstones and conglomerates. Soils comprised residual and colluvial shallow loams and sands at the upper ridgeline, with brown solodic soils on the lower slopes. What this means is that there would have been an availability of raw materials suitable for making stone tools in the surrounding area and that they have the potential to erode out of the soils, to be visible on the surface.

The predictive model developed for the LBBAWP states that there was a higher likelihood of sites being present on lower slopes and banks of ephemeral and permanent waterways and within 200 m of waterways, a moderate likelihood of them being present on ridgelines and upper hillslopes and a low likelihood of them being present on mid slopes and greater than 200 m from waterways. It also determined that open artefact scatters and isolated finds would be the most common site type expected in the LBBAWP.

Archaeological survey was undertaken on the 23 and 24 November 2020, covering all areas within the Project boundary where impacts were proposed. Thirteen new sites were identified within the area assessed and one previously recorded site. These sites consisted of isolated finds and artefact scatters, consistent with the predictive model.

An assessment of the cultural values of the LBBAWP was also undertaken with RAPs for the project, to describe the significance and cultural values of the LBBAWP area. The landscape of the Hunter Valley as a whole, has cultural value to Aboriginal people, being a landscape that their ancestors lived on, travelled through, and utilised for subsistence. Landmarks visible in the natural landscape are known to the present-day Aboriginal community to have been important in enabling Aboriginal groups to navigate through the landscape, and to identify where the territory of their tribes and clans were. Rivers, creeks and other watercourses hold cultural value for similar reasons, as river valleys were followed when travelling through the landscape and would consequently have functioned as navigational aids. The importance of watercourses as travel routes, as well as the importance of the food resources they provided, were both cited by RAPs as attaching watercourses with cultural significance. Stone artefacts, both individually and as assemblages, were cited as having cultural significance for several reasons. As they were produced and, in some cases, used by Aboriginal people, stone artefacts provide a tangible and direct link to the lifeways and thought processes of ancestral people. Post-colonial impacts to large areas of land in the area surrounding the LBBAWP and across the Hunter Valley, have increased the rarity of surviving Aboriginal sites in the region and therefore have increased the significance of these sites.

Although it was acknowledged that the LBBAWP would result in harm to Aboriginal objects, those objects are located in areas that have been previously disturbed. Discussions on site with RAP representatives resulted in the development of management recommendations that have been reproduced in **Section 8**.

An updated search of the AHIMS database was undertaken on 22 December 2023 for the Stage 3 Bayswater Ancillary Works. The search zone incorporated a total of 7.173 km east to west and 3.326 km north to south, centred on the Project area. This is a larger search area than was undertaken in the 2020 search and was done to provide more contextual AHIMS data to support the CHMP. The new search results identified 99 sites; the additional 44 sites are reflective of the larger search area. However, despite the more recent search incorporating a larger area, there was no change to what was found within the confines of the Project footprint.

The results of the search are shown in **Figures 2-1** and **Figure 2-2**. The locations of the majority of these are shown as points rather than polygons, reflecting the data received from AHIMS.

No registered sites are located directly within the project footprint. One site is located within 1.8 m of the brine concentrator return water pipeline project footprint (AHIMS 37-2-6285, see **Figure 2-3** and **Table 8-1**) and a further three are located within 30 m of the MA1B shortening project footprint (AHIMS 37-2-2740; AHIMS 37-2-2738; AHIMS 37-2-2739; see **Figure 2-4** and **Figure 2-5** and **Table 8-1**).

A 2 m buffer was added around these sites to ensure their protection during construction and operation, as reflected in **Figure 2-3**, **Figure 2-4** and **Figure 2-5**.

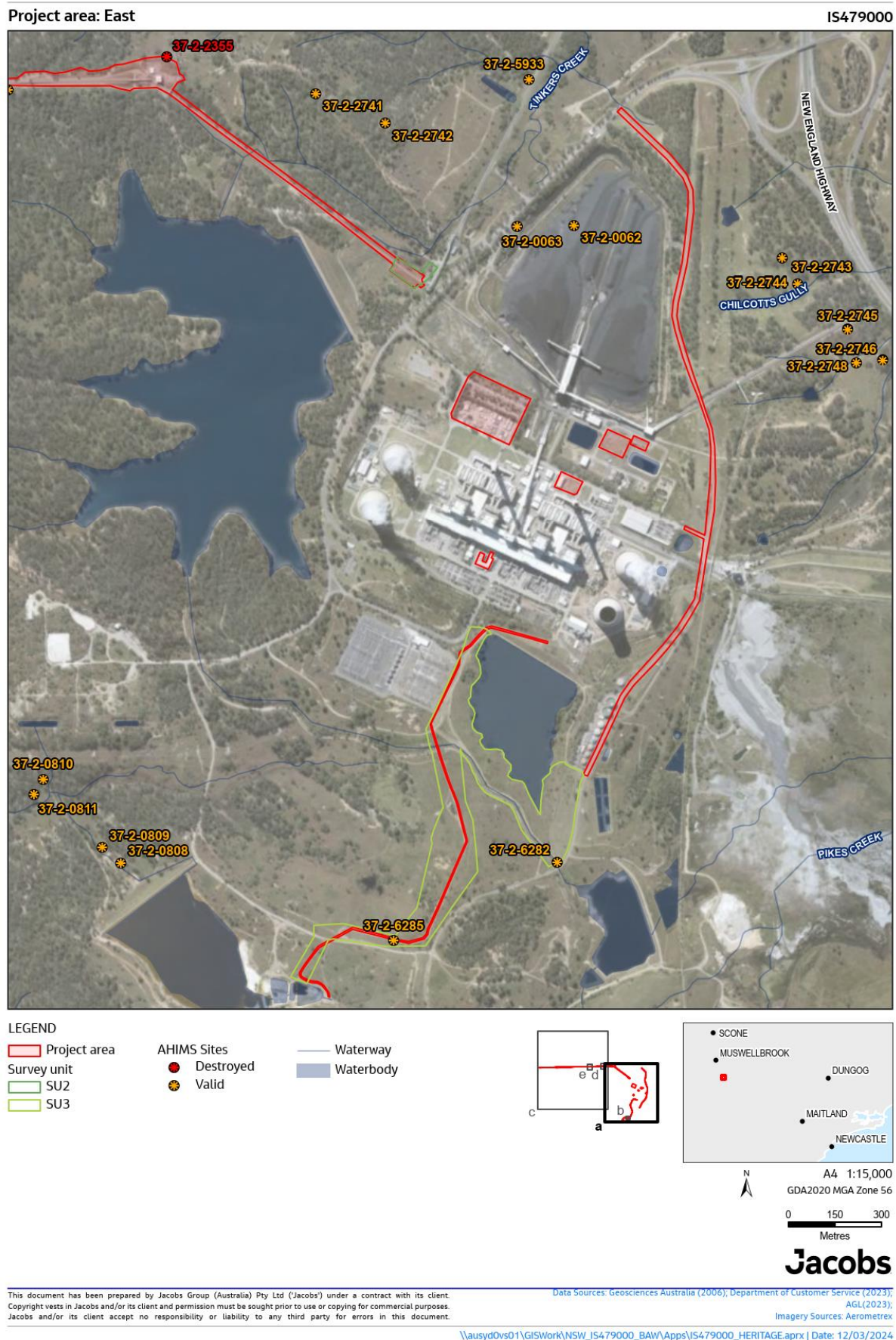


Figure 2-1. AHIMS sites in vicinity of the project area

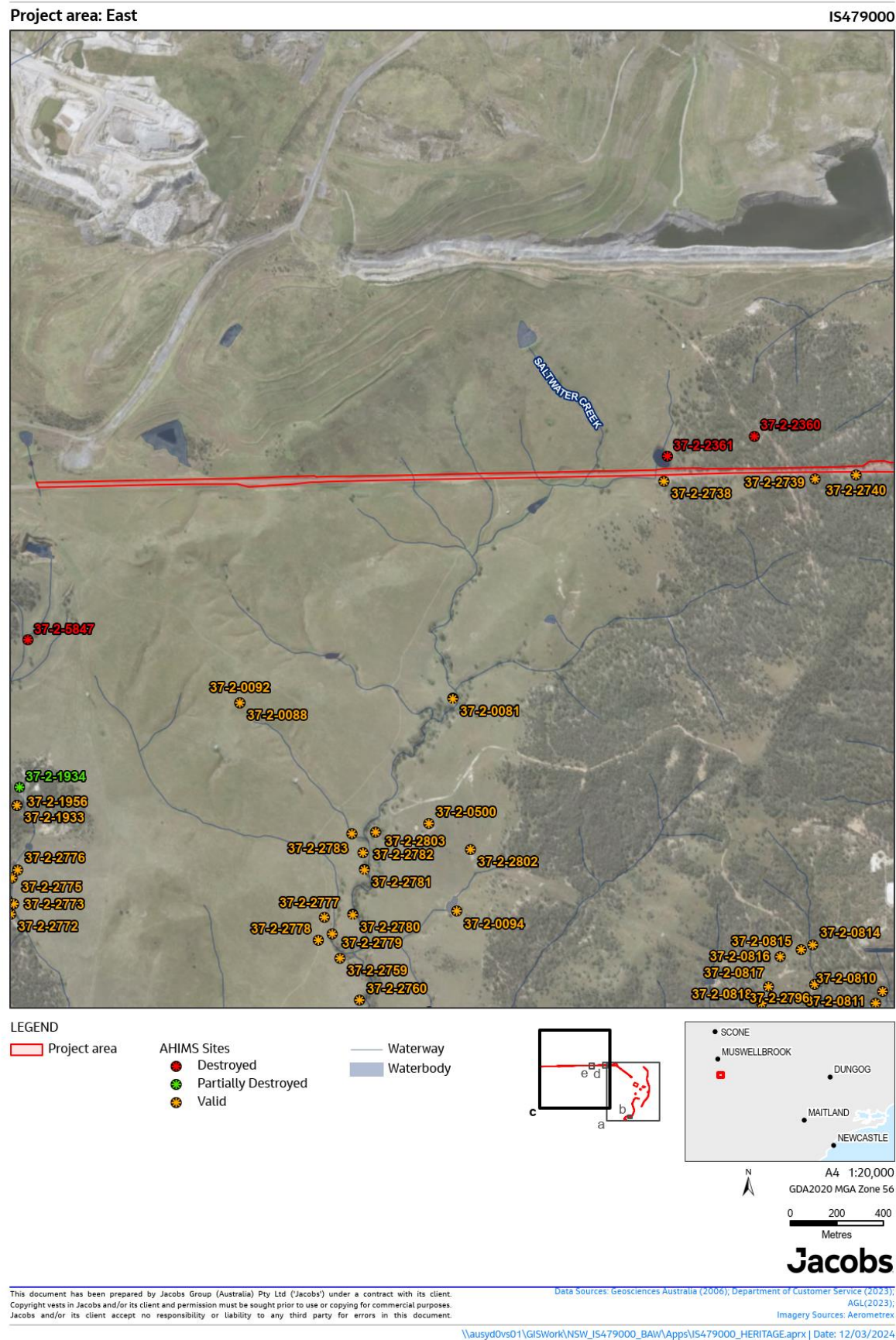


Figure 2-2. AHIMS sites in the vicinity of the project area



Figure 2-3. Close up of AHIMS 37-2-6285 located within 1.8 m of the brine concentrator return water pipeline project footprint

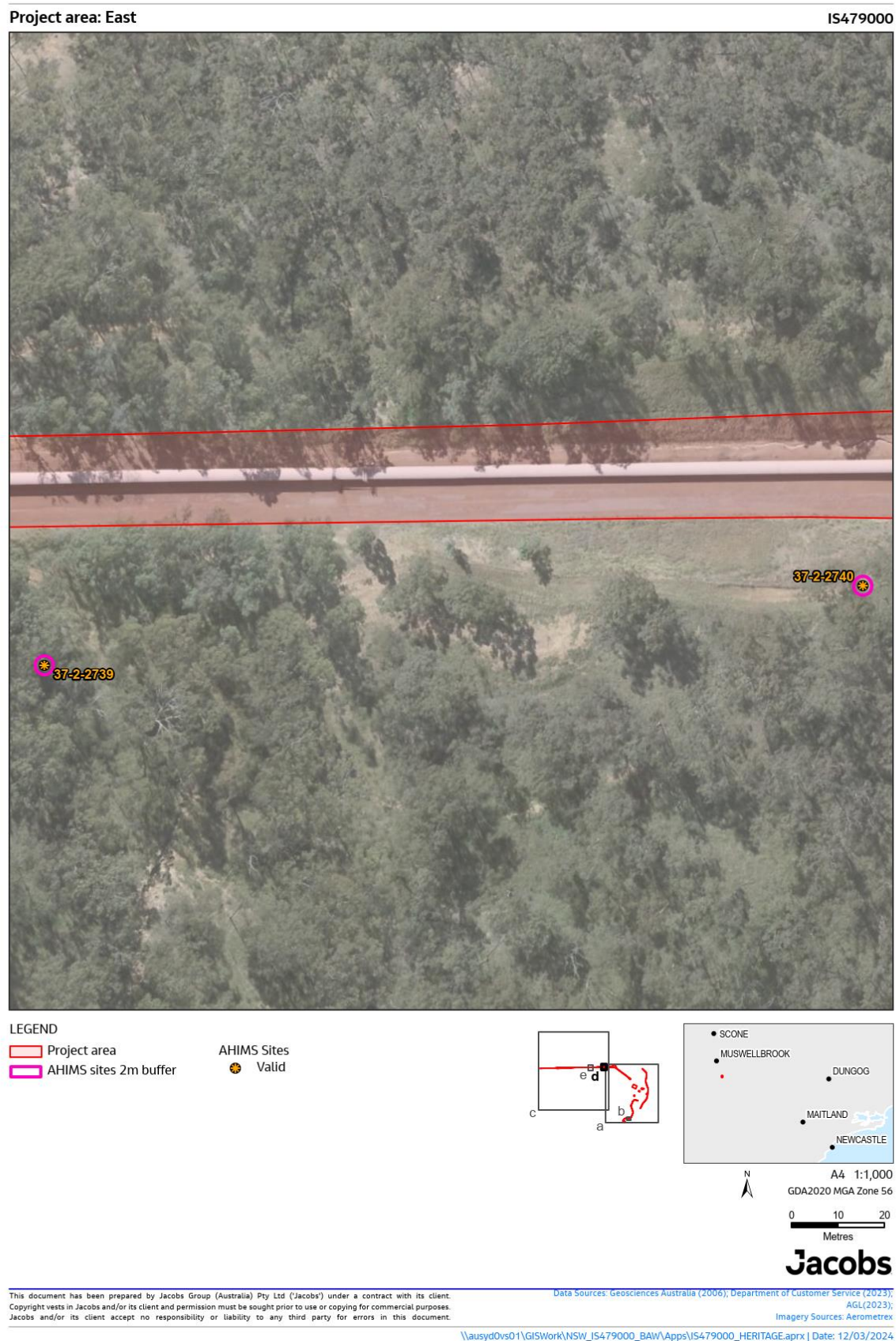


Figure 2-4. Close up of AHIMS 37-2-2739 and AHIMS 37-2-2740 located within 30 m of the MA1B shortening project footprint

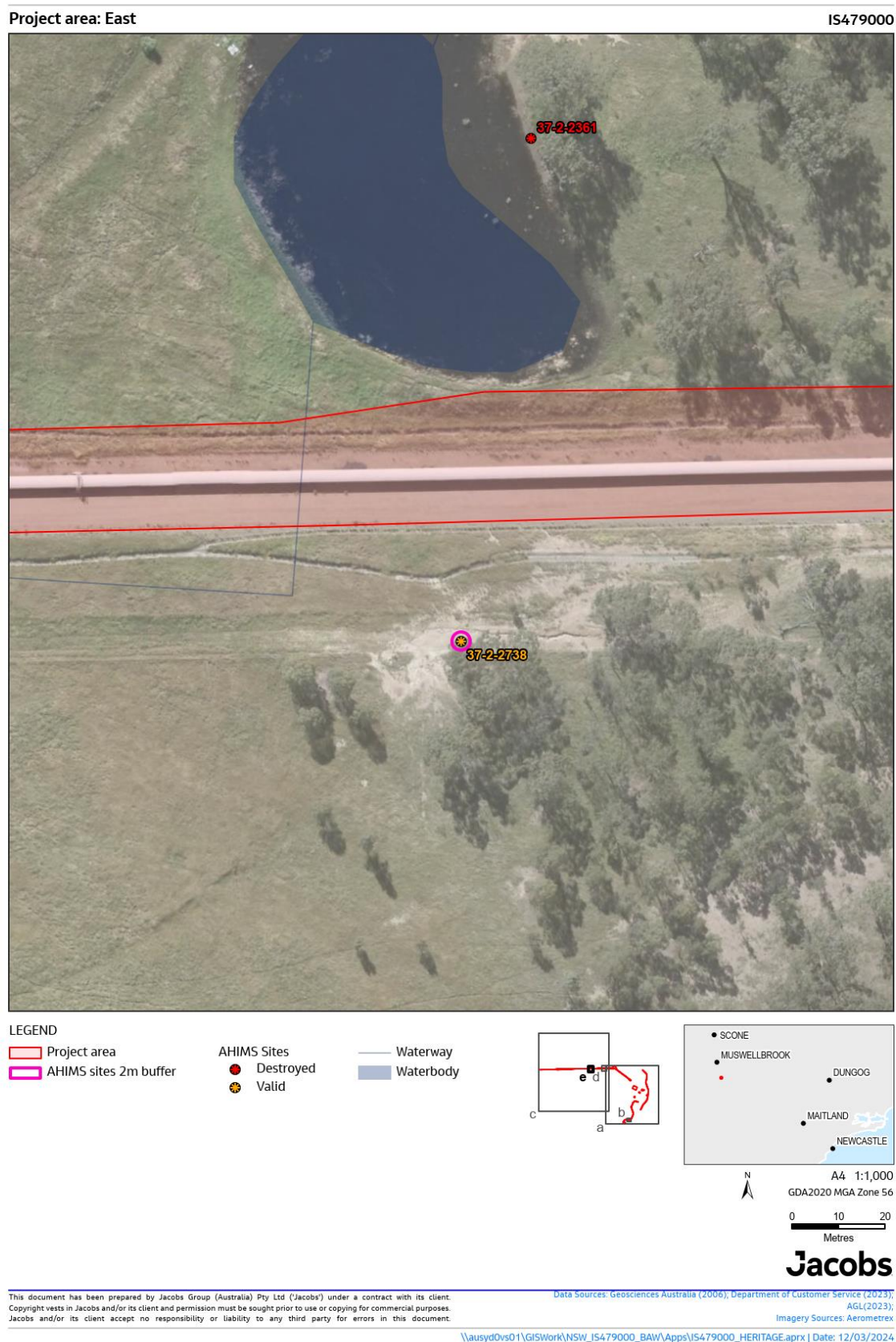


Figure 2-5. Close up of AHIMS 37-2-2738 located within 30 m of the MA1B shortening project footprint

2.2 Project elements

The purpose of the Stage 3 BAW Project is to respond to the ongoing operations and maintenance requirements of Bayswater, as well as align with modern office and site requirements. The proposed works outlined in the EIS have been reviewed, with updated details from the Construction Staging outlined below.

The activities being undertaken within this Project are:

1. **Shortening of the MA1B Conveyor** as the conveyor is no longer required to transport coal from the Mt Arthur Coal Mine. Works are anticipated to be completed over a 3-month period and involve approximately 25 construction personnel.

Proposed works would include:

- a. Construction of a new concrete foundation adjacent to the existing Antiene Check Weigh Bin
 - b. Modification to ancillary power, water and communications infrastructure
 - c. Establishment of spillage control and capture and water management infrastructure
 - d. Removal of redundant conveyor belts and associated conveyor stringer, purlins, idler rollers footing piers, electrical cabling, pull wires and roof sheeting
 - e. Rehabilitation of areas no longer required for operational purposes.
2. **Refurbishment of River Road** including complete surface removal, repairs will be made to the underlying layers (subgrade) and levelling and reconstruction of approximately 3 kilometres (km) of the dual lane River Road from its junction with the Bayswater Access Road to the Bayswater tank farm. Anticipated to be completed over a 2-month period and involve approximately 50 contract personnel. No change expected to scope or footprint of the current roadway. Staging is expected to occur within the construction footprint, with traffic diverted to a single lane when works are to occur (no additional disturbance area).

Proposed works include:

- a. Current road surface removal
 - b. Repairs to the underlying layers and levelling
 - c. Construction of the new road surface.
3. **Formalisation of Waste Storage Area** for hydrocarbons, oils, and greases generated onsite, with a total storage capacity of approximately 20 Kilolitres (kL). This includes environmental controls such as bunding, runoff management and roofing. Fully containerised/ self-bunded solution being proposed. Containerised solution proposed to be established in a pre-bunded concrete hard stand area (already existing).
 4. **Construction of a small diameter brine concentrator return water pipeline** (approximately 3 km long) to return brine from the brine concentrator decant basin to the brine concentrator. Minimal earth works are expected to be required. Installation of additional HDPE pipe approximately 50 mm diameter. To be laid on earth surface adjacent to existing pipeline (within 1 m of existing pipeline). No additional works outside of pipeline installation are expected. Anticipated to be completed over a 1-month period and to involve approximately 20 contract personnel.
 5. **Replacement of the existing emergency power system with a new system.** The new system would include three 415 V diesel generators with two located outside the existing diesel generator building that would connect to the existing 6.6 kV network via 415 V / 6.6 kV step up transformers. The third diesel generator would remain connected to the 1/2 end 415 V diesel generator switchboard via a change-over switch such that power can be supplied from the third diesel generator or via the 6.6 kV network. The existing diesel generator building would have all redundant equipment removed allowing the building to

be repurposed. Anticipated to be completed over a 2-month period and to involve approximately 5 contractor personnel.

6. **Formalisation of the contractor area** involving upgrades to the current informal contractor area established between Bayswater turbine hall and coal handling yards including electrical works, earthworks, road grading, sealing, drainage improvements and establishment of carparks and offices for use during maintenance shutdowns.
7. **Installation of auxiliary infrastructure** such as maintenance storage areas, laydown, car parks, security gatehouse upgrades, washdown facilities, car wash, equipment wash, and a drive through hard stand area. These are to be equipped with appropriate civil design, drainage, coal settlement bund, oil water separator and water transfer to contaminated water bund to the east of proposed area. Works associated with security gatehouse, laydown and storage are currently seen as maintenance and upkeep of existing infrastructure.
8. **Establishment of a cultural heritage storage area** for heritage items salvaged during earthworks. This will be a temporary containerised solution available for use as required. It is expected that the containers would be trucked in to site and placed on to a disturbed area on the inner footprint at Bayswater. The storage containers would be removed from site once the cultural heritage items are relocated. This would occur after construction is completed and be carried out in agreement with the RAPs.
9. **Refurbishment of the Administration Building** including redesign and upgrade of workspaces, kitchens and amenities.

The proposed works include:

- a. removal of internal walls to create more open plan office space and lunchrooms, effectively repurposing some areas within the existing building
- b. conversion of an existing toilet into a disabled compliant toilet
- c. installation of a cabin lift in the existing to improve accessibility, noting that the only means of accessing the first floor currently is via stairs
- d. replacement of two existing doors with an automatic opening door
- e. installation of small internal roof electronic beacons to enable assisted office navigation for seeing or hearing-impaired persons
- f. modification of kitchen spaces to increase accessibility, by lowering fittings and improving cabinetry and
- g. widening of concrete paths and installation of handrails to enable wheelchair access.

The Social club will be pursued under a stand-alone Development Application at a later stage on a separate parcel of land.

3. Statutory framework and requirements

3.1 Key legislative requirements

This section summarises the key State legislation relevant to the Project.

The Stage 3 BAW is located within both the Muswellbrook and Singleton Local Government Areas (LGAs), in land zoned *RU1 – Primary Production* and *SP2 - Infrastructure*. Electricity generation, and associated infrastructure for the purposes of electricity generation, are not listed as permissible with or without consent under the *RU1 – Primary Production* zone and would therefore be partially prohibited under the provisions of the Muswellbrook and Singleton Local Environmental Plans (LEPs).

However, under Clause 34 of the *State Environmental Planning Policy (Infrastructure) 2007* (ISEPP) development for the purpose of electricity generating works may be carried out by any person with consent on any land in a prescribed rural, industrial or special use zone. Land which is zoned *RU1 – Primary Production* and *SP2 - Infrastructure* are prescribed rural, industrial or special use zones for the purposes of Clause 34 of ISEPP. Accordingly, the Project is wholly permissible.

3.1.1 Environmental Planning and Assessment Act 1979 and Environmental Planning and Assessment Regulations 2000

The *Environmental Planning and Assessment Act 1979* (EP&A Act) and *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation) establish the planning and approvals process in NSW. They provide for the making of Environmental Planning Instruments (EPIs), including LEPs and State Environmental Planning Policies (SEPPs), which set out requirements for particular localities and/or particular types of development. The applicable EPIs and the EP&A Regulations determine the relevant planning approval pathway and the associated environmental assessment requirements for proposed development activities.

The LBBAWP is for the purpose of "electricity generating works" as defined in the *Standard Instrument (Local Environmental Plans) Order 2006* and the SEPP SRD and has a capital investment value of more than \$30 million. Accordingly, it is classified as an SSD under the SEPP SRD and assessment was undertaken in accordance with Division 4.7 of the EP&A Act. The required EIS was prepared in accordance with the SEARs and approved by the NSW Minister for Planning on 8 March 2022 via the granting of SSD 8889679.

3.1.2 Protection of the Environment Operations Act 1997

The principal legislation regulating pollution and waste management in NSW is the *Protection of the Environment Operations Act 1997* (POEO Act). All scheduled activities as listed in Schedule 1 of the POEO Act require an Environment Protection Licence (EPL).

Bayswater is operated under EPL 779, which would be varied to incorporate any new scheduled activity as required. There are no plans to amend the EPL boundaries to accommodate the Project.

3.1.3 National Parks and Wildlife Act 1974

Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act) relates to the protection and management of Aboriginal heritage. It does this through the establishment of three offences of harm (knowingly harming Aboriginal objects; unknowingly harming Aboriginal objects; harming Aboriginal places) and five defences to those offences (an AHIP was in place and the conditions of the AHIP were not contravened; due diligence had been exercised and it was determined that Aboriginal objects were not present; harm occurred as part of an assessment undertaken in accordance with the Code of Practice; the activity is a low impact act; the activity is an exemption under s87a of the NPW Act).

As the Project was classified as State Significant Development, there is no requirement to obtain Aboriginal Heritage Impact Permits under s90 of the NPW Act. Instead, if the conditions of this CHMP are complied with, a defence to the offence of harming Aboriginal objects will be provided.

3.2 Development consent SSD 8889679

Development Consent SSD 8889679 was issued on 8 March 2022 (DPE, 2022) for all of the LBBAWP. However, due to the multiple components of the LBBAWP, the Planning Secretary has allowed for the preparation and submission of any strategy, plans or programs on a staged basis.

The Project that is subject of this CHMP is the Stage 3 Bayswater Ancillary Works. The elements of this project are articulated in Section 2.2.

Development Consent SSD 8889679 specifies that the actions associated with the Project must seek to protect heritage items in certain circumstances (B18), provides a mechanism for managing unanticipated finds (B19), when works can recommence after the discovery of an unanticipated find (B20) and that any Aboriginal objects must be recorded on AHIMS. (B21). It also directs that a CHMP is prepared to ensure adequate management of Aboriginal cultural heritage throughout the life of the project (B22, B23).

3.2.1 Statutory requirements for heritage

Conditions B18 to B23 relate to heritage and are reproduced in Table 3-1.

Table 3-1. Relevant conditions of Development Consent SSD 8889679

Condition number	Condition description	Relevant section of management plan
B18	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 7.1
B19	If any previous (sic) unknown Aboriginal object of (sic) Aboriginal place is discovered on the site, or suspected to be on the site: <ul style="list-style-type: none"> a. All work in the immediate vicinity of the object or place must cease immediately; b. A 10m buffer area around the object or place must be cordoned off; and c. Heritage NSW must be contacted immediately. 	Section 7.4.1; Section 7.4.2
B20	Work in the immediate vicinity may only recommence if: <ul style="list-style-type: none"> 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 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 7.4.1; Section 7.4.2
B21	The Applicant must ensure that all known Aboriginal objects or Aboriginal places on the site and within any offset areas are properly recorded, those	Section 7.6

Condition number	Condition description	Relevant section of management plan
	records are kept up to date and are reported to the Aboriginal Heritage Information Management System (AHIMS)	
B22	<p>The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development. The plan must</p> <ol style="list-style-type: none"> Be prepared by suitably qualified and experienced persons approved by the Secretary; Be prepared in consultation with Registered Aboriginal Parties and Heritage NSW; Be submitted to the Planning Secretary for approval prior to carrying out construction under this consent; Describe the measures to be implemented on site to: <ol style="list-style-type: none"> Comply with the heritage-related operating conditions of this consent; 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; Protect, monitor and/or manage identified Aboriginal objects and Aboriginal places (including investigation of design options to avoid disturbance of Aboriginal objects) in accordance with the commitments made in the document/s listed in condition A2(c); Protect Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the development; 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; Maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places (outside of the approved disturbance area); and Facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site; and 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>Section 3.3 Section 4.3 Section 4.4 Section 5 Section 7.1 Section 7.2 Section 7.3 Section 7.3.2 Section 7.3.4 Section 7.4.1 Section 7.4.2 Section 7.5 Section 7.7 Section 9.1</p>
B23	The Applicant must implement the Aboriginal Cultural Heritage Management Plan approved by the Planning Secretary.	Section 3.3

3.3 Submission to Planning Secretary for approval prior to commencing construction (B22(c)) (B23)

A copy of the finalised management plan must be submitted to the Planning Secretary for approval prior to commencing construction.

Construction cannot commence until approval of this management plan has been received in writing from the Planning Secretary.

The CHMP, as approved by the Planning Secretary on **XXX** date **[AN: date to be included upon approval]**, must be adhered to and implemented in full.

The approval is at **Appendix C**.

4. Aboriginal Consultation

Aboriginal stakeholder engagement and involvement is important for the identification of Aboriginal cultural values relevant to the Project. Consultation with Aboriginal groups was carried out in accordance with the Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010 (ACHCRP) (DECCW, 2010a).

4.1 Registered Aboriginal Parties previously identified for this Project.

Registered Aboriginal parties were previously identified during the consultation period of Jacobs previous heritage assessments.

Project notifications were sent to all groups and individuals identified in the ACHAR consultation process. A total of 25 groups and individuals registered their interest:

Table 4-1. RAPs involved in the project

Organisation	Contact person	Contact Details
Culturally Aware	Tracey Skene	tracey@marrung-pa.com.au
The Men's Shack Indigenous Corporation	Rod Hickey	rod.hickey@hotmail.com
Merrigarn	Shaun Carrol	Merrigarn@hotmail.com
Hunters & Collectors	Tania Matthews	Tamathews10@hotmail.com; wkingstono1@hotmail.com
Kamilaroi Yankuntjatjara Working Group	Phil Khan	philipkhan.acn@live.com.au
A1 indigenous Services	Carolyn Hickey	Cazadirect@live.com
AGA Services	Ashley, Gregory & Adam Sampson	aga.services@hotmail.com
Cacatua Culture Consultants	Donna & George Sampson	cacatua4service@tpg.com.au
Didge Ngunawal Clan	Paul Boyd & Lilly Carroll	didgengunawalclan@yahoo.com.au
Divine Diggers Aboriginal Cultural Consultants	Deidre Perkins	dedemaree3@hotmail.com
Hunter Traditional Owner	Paulette Ryan	hto.paulette@gmail.com
Jarban & Mugrebea	Les Atkinson	les.atkinson@hotmail.com
Jumbunna Traffic Management Group Pty Ltd	Norm Archibald	jtmanagement@live.com.au
Kawul Pty Ltd trading as Wonn1 Sites	Arthur Fletcher	Wonn1sites@gmail.com
Nunawanna Aboriginal Corporation	Colin Ahoy	cahoy7@myune.edu.au
Ungooroo Aboriginal Corporation	Alan Paget	admin@ungooroo.com.au
Wallagan Cultural Services	Maree Waugh	wallangan@outlook.com
Wattaka Wonnarua CC Service	Des Hickey	deshickey@bigpond.com
Widescope Indigenous Group	Steven Hickey	widescope.group@live.com

Organisation	Contact person	Contact Details
Yarrowalk (A division of Tocomwall Pty Ltd),	Scott Franks	scott@tocomwall.com.au
Upper Hunter Wonnarua Council Inc	Rhonda & Georgina Perry	0412 233 239
Wanaruah Local Aboriginal Land Council	CEO	admin@wanaruahlandcouncil.com.au; ceo@wanaruahlandcouncil.com.au
Wonnarua Nation Aboriginal Corporation	Laurie Perry	N/A
Robert Syron	Robert Syron	bobsam1@bigpond.net.au

4.2 Summary of consultation undertaken to date for this Project

During the consultation process, which commenced in September 2020, a total of 25 groups/individuals registered their interest in the Project. All Registered Aboriginal Parties (RAPs) were routinely consulted throughout the Project, including prior to and during the preparation of the ACHAR, and as part of the site surveys carried out. The following Aboriginal community consultation was carried out:

The consultation carried out to date for the Project is included in Table 4-2.

Table 4-2. Summary of consultation undertaken for the Project to date

Consultation stage/ task	Completed by	Start	Finish
Stage 1: Letter to Agencies and responses	Jacobs, Clare Leever	26 August 2020	21 September 2020
Stage 1: Newspaper Advertisements; Koori Mail and Singleton Argus	Jacobs, Clare Leever	18 September 2020	13 January 2021
Stage 1: Letter of Identification Via Email; Notification to RAPs	Jacobs, Alison Lamond	10 November 2020	15 January 2021
Stage 1: Supply of the list of RAPs to DPIE and Wanaruah LALC	Jacobs	26 October 2020.	26 October 2020.
Stage 3: Draft Methodology Emailed to RAPs	Jacobs, Alison Lamond	21 October 2020	6 November 2020
Stage 4: Field Work Invitation	Jacobs, Alison Lamond	11 November 2020	16 August 2021
Stage 4: Engage Aboriginal stakeholders to undertake a site survey	Jacobs	23 November 2020	24 November 2020
Stage 4: Draft ACHAR and AAR responses	Jacobs, Alison Lamond	19 February 2021	24 July 2021

Following the completion of fieldwork, the ACHAR was provided to RAPs for review and provision of comment for inclusion in the final ACHAR for the Project. The only comments received were in support of the findings and recommendations of the ACHAR.

4.3 Consultation undertaken for the development of this management plan (B22(b))

An email was sent to all RAPs for the Project on 1 November 2023 informing them that the CHMP was in preparation and that a draft copy would be provided as soon as possible for their input. They were also invited to provide any comments any stage of the process. A response was received from Didge Ngunawal Clan (see Appendix D).

The draft CHMP was sent to RAPs on 30 November 2023 for their review, with a request for any comments to be provided by Friday 8 December 2023 (See Appendix E). A response was received from Wanaruah Local Aboriginal Land Council on 30 November 2023 requesting that the email be re-directed to the CEO, De-anne Douglas, at ceo@wanaruahlandcouncil.com.au. However, the email sent on 30 November 2023 did include ceo@wanaruahlandcouncil.com.au.

No other responses or comments were received from RAPs about the draft CHMP.

4.4 Ongoing consultation requirements throughout the life of the Project (B22(d)(vii))

AGLM will engage with RAPs on an ongoing basis, at least every 6 months, throughout the life of the Project. This engagement will, as a minimum, provide updates on Project progress, particularly if there are any material changes to the Project area.

AGLM will facilitate ongoing discussions with RAPs to determine the long-term management of Aboriginal objects collected during the Project.

AGLM will extend an opportunity to RAPs to participate in program audit activities, if they wish to do so.

5. Consultation with Heritage NSW (B22(b))

A draft copy of the CHMP was sent to Heritage NSW for their review and input on 25 January 2024. (see Appendix F).

A response was received on 12 February 2024 with seven points for clarification. These points and AGLM's response are detailed in Table 5-1 below.

Table 5-1. Heritage NSW comments on the draft CHMP and AGLM response

Comment	Response
Please provide a figure that shows the location of all recorded sites (as polygons) within the approved works footprint.	AHIMS data has been provided in point and not polygon form. However, it is agreed that from a management perspective, it is preferable that there is a polygon around each site location. This will ensure that harm to each site can be avoided or minimised. To that end, 2 m buffer was added to any AHIMS sites located within 30 m of the project footprint to ensure protection from impact during construction and operation, as reflected in Figure 2-3 to Figure 2-5 .
A brief review of AHIMS data indicates that several of the sites lists in Table 8-1 are located outside the project area (as shown in Figure 1-2). On this basis, please confirm whether Figure 1-2 requires revision to show full extent of the approved works footprint, or whether the sites are plotting incorrectly and will be subject to adjustment or whether the sites are located outside the proposed works footprint and adjust the impact assessment and management measures in Table 8-1 accordingly.	Table 8-1 has been updated and now reflects only those registered sites within 30 m to the proposed works footprint
Table 8-1 identifies that if site AHIMS #37-2-6284 that if site (sic) cannot be avoided, it will be subject to surface collection. The project ACHAR specifies that harm to this site will be avoided and therefore the current approval does not permit harm to this site. Please remove reference to surface collection.	This site has been removed from Table 8-1 as it will not be impacted as part of this project
The AHIMS reference for Brine Pipeline 2 in Table 8-1 requires correction.	This site has been removed from Table 8-1 as it will not be impacted as part of this project
Table 8-1 identifies that impacts may be avoidable to three sites, pending design and construction planning. Please confirm when design information will be finalised to determine whether or not these sites will be impacted.	The site design referred to here is associated with the Brine Concentrator Return Water Pipeline. This Project aims to establish a secondary pipeline immediately adjacent to the already installed pipeline (within 2 metres) in an effort to reduce any further disturbance and work within the footprint of the pipeline that has already been constructed and the vegetation management zone that is already being maintained or this asset. This information has been added to Table 8-1 .

Comment	Response
Section 7.1 identifies that the establishment of exclusion fencing will not have a subsurface impact. Please clarify how this will be achieved?	Wording in Section 7.1 has now been updated to state the following: <i>Where possible, existing land features that would provide sufficient exclusion without disturbance will be utilised. An example of this would be the utilisation of existing fencelines that provide a clear and hard line of exclusion. Where this is not possible, a temporary hard mesh barricade will be used.</i>
Section 9.2 should include provision for involvement of Registered Aboriginal Parties in site inspections.	The wording in this section has been updated to state: <i>This inspection should be undertaken by an archaeologist, accompanied by RAPs where they are available, then documented in a short report.</i>

6. Existing Environment

6.1 Summary of previous archaeological assessments in the project vicinity

Several archaeological assessments have been conducted within the Project Area and its surrounding environment. These include the following:

Table 6-1. Previous Archaeological Assessments

Author	Summary
The Electricity Commission of New South Wales (1979)	One of the first archaeological investigations of the project area was carried out between 1976-1979 as part of the Mt. Arthur Project. Associate Professor L.K. Dyall from Newcastle University surveyed three mining sites with the intent of discovering Aboriginal artefacts. He found artefacts in three small areas of open ground. In 1979, the Bayswater Power Station Environmental Impact Statement concluded that the only Aboriginal sites within the area were located within the Saltwater Creek reservoir area. It recommended salvage of these Aboriginal heritages before the area was flooded.
Dyall (1980)	Dyall carried out a survey on the Mount Arthur Coal Lease, Muswellbrook, located immediately south of the Bayswater Colliery. The author identified three sites on the banks of Saddler's creek. The sites were scatters of flaked stone artefacts, including cores and backed artefacts. The artefacts were made from chert, rhyolite and quartz.
Dyall (1981a)	Dyall's unpublished report on Aboriginal Relics on the Mount Arthur Coal Lease details survey and recording of 24 open sites along Saltwater and Saddlers Creeks. The sites were stone artefact scatters, two of which contained more than 500 artefacts. Artefacts recorded included backed artefacts, ground stone axes, choppers and grindstones.
Dyall (1981b)	Dyall reviewed all Aboriginal sites recorded during surveys of the Mount Arthur Coal Lease area. This report records a number of sites along the banks of Saltwater creek. One scatter of stone artefacts recorded covered more than one acre, extending up to 100m back from the creek bank. The report also records 27 axe grinding grooves on a sandstone shelf. The great majority of sites recorded are open artefact scatters and are located adjacent to the creek.
Hughes (1981)	Hughes carried out a survey of the Bayswater No.2 Colliery Proposed Lease extension area, recording nine Aboriginal sites. The sites were open artefact scatters, six of which are located on creek lines.
Pacific Power (1992)	In 1992, Pacific Power carried out a survey of a proposed slurry pipeline and water storage pond within the Bayswater Ash Disposal Project. The area was assessed as being highly modified by European settlement and Aboriginal sites were likely to have been disturbed or destroyed. Six sites were identified: five artefact scatters and one isolated artefact. The number of artefacts found per site varied from 2 to greater than 200. These sites were identified as outside the proposed area of impact. Avoidance and protection were recommended. No subsurface artefacts were identified during test excavation in the proposed works area.
Pacific Power (1993)	In 1993 an environmental impact assessment of the Bayswater Power Station was undertaken as part of the Fly Ash Disposal in Ravensworth No.2 Mine Void and Mine Rehabilitation project. As part of the assessment an examination of Heritage registers and field examination was performed. The research showed no European heritage

Author	Summary
	items along the transport corridor and two Aboriginal open artefacts scatter sites and an isolated Aboriginal artefact.
Umwelt (1997)	Umwelt carried out a survey of three areas of the southern section of the Bayswater No. 3 mining lease. These areas included a coal processing plant, haul road and mine access road, overland conveyer and stockpile area. The survey recorded 36 sites comprising 28 open artefact scatters and eight isolated artefacts. The majority of sites were located adjacent to watercourses, namely Saddlers Creek and its tributaries. Sites were located on the watercourses' banks, as well as on elevated ground such as upper slopes and ridge tops adjacent to the watercourses. Artefacts included retouched flakes and cores, and one hammerstone.
McCardle Cultural Heritage (2007)	In 2007 an assessment of the Bayswater Power Station was undertaken as part of the Bayswater Power Station River Intake Project. During the survey an isolated mudstone flake was identified. Due to the lack of further sites in the project area, it was inferred that extensive levels of past disturbance had impacted and destroyed sites in the area.
AECOM (2009)	An archaeological assessment of the Bayswater and Liddell Power Generation complex was carried out in 2009, recording 47 Aboriginal sites. All sites were open artefact scatters and isolated artefacts. The number of artefacts per scatter varied from 11 up to 250 with the majority of sites (n=36) containing fewer than 10 artefacts. It was noted that flat areas associated with Saltwater Creek and its tributaries contained surface sites and potential for associated Potential Archaeological Deposits (PAD) and that elevated landforms and hillslopes were landforms with low archaeological sensitivity.
AECOM (2017)	In 2017 a survey was undertaken as part of the Aboriginal due diligence assessment for the Bayswater Ash Dam Overland Water Pipeline. The survey recorded ground Surface Visibility (GSV) within the project area between 31-50%. No surface artefacts were identified during this inspection. A search of the AHIMS, covering an area approximately 17.8 km by 13.5 km identified a total of 102 sites outside the pipeline's footprint. These 102 sites included artefact scatters (n=78), isolated artefacts (n=15), sites destroyed under the condition of an AHIP (n=8) and a single modified tree. The majority of sites consist of artefacts identified on exposed ground surfaces. From these results it was concluded that the area did not contain areas of subsurface potential, and that this was probably due to erosion and past disturbance.
AECOM (2018)	A preliminary Aboriginal heritage assessment for proposed electrical works modifications at the Bayswater Brine Concentrator Decant Basin was carried out in 2018 and as part of the assessment a search of the AHIMS database was completed. This search identified 113 Aboriginal archaeological sites (two sites were classified as "destroyed").
Jacobs (2019)	An Aboriginal Cultural Heritage Assessment for the Water and Other Associated Operational Works project at the Bayswater Power station was carried out in 2019. The assessment identified 37 Aboriginal sites including isolated artefacts, artefact scatters and PAD. The isolated artefacts and artefact scatters ranged from low to moderate significance. Test excavations were proposed in areas of PAD.

These previous assessments demonstrate that the area has been subject to past disturbance, particularly during the post-contact period, which has probably impacted the Aboriginal heritage of the area and reduced the overall number of sites. Previous assessments suggest also that Aboriginal sites are most likely to occur in flat areas associated with water sources and that their number is expected to be higher in areas near permanent water sources. Elevated areas away from watercourses, and slopes are expected to contain fewer Aboriginal sites.

6.2 Environmental summary for the project area

The Hunter Valley is the largest coastal catchment in NSW, with an area of about 21,500 square kilometres (km²) (Biswas, 2010). The Project area lies within the Central Lowlands of the Upper Hunter Valley. The region encompasses a belt of undulating hilly terrain which follows the Hunter River (Erskine & Fityus, 1998:45; Hiscock, 1986:40) and the overall landform is made up of undulating low hills which range from elevation of 140 – 220 metres (m) above sea level.

The geology of the Central Lowlands is dominated by Permian and Triassic deposits, comprising shale, limestone, siltstone, and sandstone. Several Coal Measures are present in the region, including the Wittingham Coal Measures and Wollombi Coal Measures located within the Project Area (Percival, Meakin, Sherwin, Vanderlaan, & Flitcroft, 2012; Rasmus P.L., Rose D.M., & Rose G., 1969).

The Project area is located within the Hunter Valley sub-region of the Sydney Basin Bioregion as defined by Thackway and Cresswell (1995). Extensive land clearing has removed 99% of vegetation on the valley floors in the Hunter Valley (Albrecht, 2000). The vegetation in the region includes a mixture of remnant native vegetation, planted vegetation and rehabilitation areas. The Hunter River flows around the south of the Project area and is located approximately 8 km from Liddell. Several other watercourses are located in the immediate vicinity of the Project Area, including both natural creeks and artificial waterbodies.

6.3 Summary of cultural values in the project area

Several cultural values assessments (CVAs) have been carried out for the broader Project Area. These include the following:

- AECOM (2020)
- Umwelt (2010)
- ACHM (2016)
- ERM (2004)

The above CVAs concluded that the Hunter Valley region has cultural value to Aboriginal people, as the landscape their ancestors lived on, travelled through, and utilised for subsistence. Landmarks visible in the natural landscape are important markers for Aboriginal people, as guides for navigating the landscape and determining territorial boundaries. Mountains, hills and ridgelines are significant landforms that would have served as vantage points and navigational landmarks.

Similarly, watercourses are significant to Aboriginal people due to their wealth of resources and usefulness as navigational aids, meaning they would have been focal points for groups either camping or travelling within the Hunter Valley.

Stone artefacts, both individually and as assemblages, are significant for several reasons. Artefacts offer a tangible link between Aboriginal people and their ancestors. The material used offers insights into the production of stone artefacts, and distribution through trade and travel. The variety of materials found on sites in the region was cited by RAPs as evidence for interaction between groups whose home territories were in different areas.

6.4 Overview of Aboriginal objects within the project area

The majority of the Project region's material culture (shields, spears, boomerangs, clubs, digging sticks, canoes, containers, shelters, and woven nets and bags) were made from wood or other vegetative material that is rarely preserved in the archaeological record. Any remaining evidence of wooden artefact production is most likely to be in the form of scarred trees. Generally, artefacts crafted from shell, bone or stone are preserved for future generations to record.

Stone axes were used for cutting saplings, peeling bark, and cutting notches into trees (Threlkeld cited in Gunson, 1974; Thomas, 2008). Other stone artefacts used in the surrounding region include knives, chisels, scrapers, gravers and rasps (Dillion, 1989; Mathews 1894 cited in Thomas, 2008).

Fish hooks were made from oyster shell, while shell tools were used to sharpen spears. After European contact, glass was also used for these purposes (Threlkeld cited in Dillion, 1989; Gunson, 1974; Neal & Stock, 1986; Thomas, 2008). Kangaroo bones were made into combs or awls, used for sewing skins, belts and headbands (Heritage Alliance, 2008; Neal & Stock, 1986; Thomas, 2008). According to Thorpe (1928 cited in Dillion, 1989), shell middens extended from Port Waratah to Sandgate along the Hunter River. The sheer volume and size of the middens indicated a population of thousands (Dillion, 1989; Gillison, 1974).

Other significant sites in the region include burials and initiation sites (Habermann, 2003). The use of fire has also been described as an integral part of the Aboriginal way of life, as it was used in farming, hunting, cooking, warmth, communication, initiation ceremonies, burials, mourning, weapon making, canoe construction, and fishing (Thomas, 2008).

7. Aboriginal Heritage Protection and Management Mechanisms

7.1 Protection of Aboriginal items outside the development footprint (B18); (B22(d)(iv))

Prior to the commencement of Project activities, the approved development footprint will be clearly delineated, where there is a risk of impact to Aboriginal items. The location of any Aboriginal items outside the development footprint will be protected using high visibility exclusion fencing for the duration of works in that area.

The fencing must not have any sub-surface impact. Where possible, existing land features that would provide sufficient exclusion without disturbance will be utilised. An example of this would be the utilisation of existing fencelines that provide a clear and hard line of exclusion. Where this is not possible, a temporary hard mesh barricade will be used.

The high visibility exclusion fencing will incorporate the known extent of the Aboriginal item and a buffer of at least 5m. This will ensure adequate protection of the item.

Once works have been completed in this area, the high visibility fencing will be removed.

Any impact to Aboriginal items outside the development footprint must be reported to the NSW Enviroline on 131 555.

7.2 Measures to avoid harm Aboriginal objects within the development footprint (B22(d)(iii))

Aboriginal objects within the development footprint must be protected from harm where possible. Harm must only occur once all efforts to avoid it have been exhausted.

Where works are required in the vicinity or at the locations of the Aboriginal objects, consideration will be given in the first instance, to design and construction options that will avoid harm to these objects. Harm to objects can only be considered when all options to avoid harm have been exhausted.

Details of all considerations to avoid harm must be documented, along with the outcomes of these considerations and whether and why they were successful or not.

7.3 Measures to protect to Aboriginal objects within the development footprint (B22(d)(iii))

7.3.1 High visibility exclusion fencing

Aboriginal objects will be protected on the ground by high visibility exclusion fencing where there is a risk of impact to the items from the activity to ensure adequate protection of the objects.

- The buffer around the Aboriginal objects will be 5m.
- The fencing must not have any sub-surface impact.
- The fencing must be constructed prior to any activity commencing in the vicinity of the object and will remain in place until activities in the location of the object have ceased.

7.3.2 Measures to mitigate harm to Aboriginal objects within the development footprint (B22(d)(iii))

AHIMS site locational data is provided in point form, however, it is understood that Aboriginal sites can extend further than the point provided by AHIMS. A 2 m buffer was added to the AHIMS data to ensure that each site is protected from impact during the construction and operation of the proposed works, as seen in Figure 2-3 to Figure 2-5. While every effort will be made to avoid harm to Aboriginal objects as a result of this Project, it is understood that this may not be possible in all circumstances, for example in the case of critical infrastructure. Where this is not possible, certain mitigation measures have been proposed, as detailed in Section 7.3.4, Section 7.3.5 and Section 7.3.5.

7.3.3 Micrositing of works

Where possible, micrositing of construction works will occur to avoid impacts to Aboriginal objects. Micrositing will be guided by an archaeologist and RAP representatives.

7.3.4 Surface collection methodology

Surface collection will consist of the following:

- The location of each artefact will be identified on the ground.
- It will be recorded with differential Global Positioning System (dGPS) and photographed.
- Artefacts will be collected by RAPs and an archaeologist.
- Artefact attributes will be recorded in accordance with the requirements of the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW, 2010).
- Artefacts will be managed in accordance with Section 7.3.5.

If Aboriginal objects are not able to be relocated, this will be documented and the information appended to the AHIMS records.

7.3.5 Care, control and storage strategy for Aboriginal objects (B22(d)(iv))

Once collected, Aboriginal objects will be stored in a secure location on site provided by AGLM for the duration of the Project.

While the Project is ongoing, AGLM and the RAPs will determine appropriate long term management of Aboriginal objects recovered during the Project.

7.4 Incident and emergency management

The incident and emergency management protocol for Aboriginal cultural heritage detailed in Section 7.4.1 and Section 7.4.2 is based on a four-step approach: Stop, Advise, Assess and Manage.

7.4.1 Human Remains (B19); (B20); (B22(d)(v))

If human remains, or suspected human remains, are found during ground disturbing works, the following procedure applies.

7.4.1.1 Stop

- All ground-disturbing works in the area of the item must immediately cease and machine operators notified to ensure that no harm occurs to the item.
- Establish an appropriate buffer (at least 10m) around the object(s). This buffer should be clearly marked, for example, with high-visibility exclusion fencing or tape.

7.4.1.2 Advise

- Inform the following people and organisations as soon as practicable.
 - Site supervisor and development proponent
 - Project archaeologist
 - NSW police
 - Heritage NSW

7.4.1.3 Assess

- NSW Police will determine if the suspected remains are human and are likely to be Aboriginal Ancestral Remains

7.4.1.4 Manage

- If the remains are determined not to be Aboriginal Ancestral Remains, NSW Police will determine the next steps.
- If the remains are likely to be Aboriginal Ancestral Remains, Heritage NSW will manage the next steps, in conjunction with AGLM and the RAPs for the project.
- In this instance, the Cultural Heritage Management Plan will be updated with amended conservation measures specific to the Aboriginal Ancestral Remains.
- These conservation measures must meet with the Planning Secretary's satisfaction, which will be communicate by a written direction.
- Either the NSW Police or Heritage NSW will determine when works can recommence in the vicinity of the remains.

7.4.2 Unexpected finds protocol (B19); (B20); (B22(d)(v))

The unexpected finds protocol applies where a previously unrecorded or unanticipated Aboriginal object (including objects that are suspected to be Aboriginal objects) are encountered during project works.

The definition of an Aboriginal object is taken from the NPW Act:

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

This definition includes stone artefacts, midden material, rock art, scarred and carved trees, and burials.

7.4.2.1 Stop

- All ground-disturbing works in the area of the item must immediately cease and machine operators notified to ensure that no harm occurs to the item.
- Establish an appropriate buffer **(at least 10m)** around the object(s). This buffer should be clearly marked, for example, with high-visibility exclusion fencing or tape.

7.4.2.2 Advise

- Inform the site supervisor and the development proponent of the discovery.
- Inform the project archaeologist of the discovery. The project archaeologist (or similarly qualified person) will confirm whether the object is an Aboriginal object.

7.4.2.3 Assess

- Do not further impact the location where the item was found, so it can be assessed by the project archaeologist (or other suitably qualified professional).
- If it is determined that the item is not an Aboriginal object, this protocol no longer needs to be followed. If it is determined that the item is, or is likely to be, an Aboriginal object, the following steps must be followed.

7.4.2.4 Manage

- The following organisations must be notified:
 - Heritage NSW
 - The RAPs associated with the project (where appropriate).
- Clarify and comply with any legal constraints arising from the discovery. This may involve seeking and complying with advice from Heritage NSW. Works in the immediate vicinity with the potential to impact Aboriginal object/s will be halted until a management strategy has been developed and implemented.
- The Aboriginal object(s) must be recorded by the project archaeologist (or other suitably qualified professional) in conjunction with the RAPs. The recording will be submitted to the AHIMS database for accessioning as soon as practicable.
- A management strategy comprising appropriate management actions will be determined by AGLM, RAPs and the project archaeologist (or other suitably qualified professional) and in consultation with AGLM. The strategy will depend on variables including the assessed significance of the Aboriginal object(s) and the likelihood of further Aboriginal objects being present in the area). Input from Heritage NSW may also occur.
- The requirements of the management strategy must be complied with prior to the resumption of works in that area.
- The Cultural Heritage Management Plan will be updated with amended conservation measures outlined in the management strategy.
- These conservation measures must meet with the Planning Secretary's satisfaction, which will be communicate by a written direction.

7.5 Aboriginal cultural heritage induction training and awareness program (B22(d)(ii))

Generic Aboriginal cultural heritage management training is provided to all employees through the site induction process at Bayswater Power Station. Employees and contractors will also be made aware of their legal responsibilities under Part 6 of the *National Parks and Wildlife 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 more detailed awareness training prior to the commencement of their work, to avoid any inadvertent impacts. Where possible, Wonnarua knowledge holders would be engaged 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.

7.6 Recording on Aboriginal Heritage Information Management System (AHIMS) (B21)

Section 89A of the NPW Act requires that Aboriginal objects are registered on the AHIMS databases within a reasonable timeframe after their discovery. This part of the NPW Act still applies to this project, despite its status as an SSD.

All currently known Aboriginal objects within the Project area are recorded on the AHIMS database.

The unexpected finds protocol outlined in Section 7.4.2 must be followed if any Aboriginal objects are identified during the course of works. These must be recorded and registered on the AHIMS database within a reasonable timeframe, that is, a maximum of 21 days from their initial determination as an Aboriginal object.

An Aboriginal Site Impact Recording Form (ASIRF) must be completed and submitted to the AHIMS database within 21 days of any activity that harms or causes partial harm to any recorded Aboriginal object within the Project Area.

7.7 Maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal Places (outside the approved disturbance area) (B22(d)(vi))

AGLM must maintain reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places within the Project area, but outside of the approved disturbance area. This can be done by implementing the following measures, where formal request for access by RAPs and other relevant Aboriginal stakeholders has been made to AGLM:

- Determine, in conjunction with RAPs and other relevant Aboriginal stakeholders, locations where access is and is not appropriate and circumstances where access may be restricted (for example, due safety concerns or adverse weather).
- Develop an appropriate, clear and simple community access request process and protocols.
- Communicate this with RAPs and other relevant Aboriginal stakeholders.
- Prepare relevant OH&S risk assessment and management where access has been requested.

7.8 Data management

All reports and records generated as a result of the requirements of this CHMP should be saved by AGLM for a minimum of 5 years after the completion of the Project. Where appropriate, AGLM will provide reports to be accessioned to the AHIMS database and annexed to the relevant site cards.

8. Aboriginal Heritage Protection and Management Mechanisms applied to known Aboriginal objects within 30 m of the Project area

Table 8-1 outlines the management measures proposed for the known Aboriginal objects within 30 m of the Project area.

Table 8-1. Management measure for known Aboriginal objects within 30m of the Project area

AHIMS #	Name	Site type	Type of harm	Degree of potential harm	Consequence of harm	Notes	Management Measure	Distance to project area (m)	Distance of buffer to project area (m)
37-2-6285	Brine Pipeline AS1	Artefact Scatter	Direct (if cannot be avoided by design)	Total (if cannot be avoided by design)	Total loss of value (if cannot be avoided by design)	Site is within 1.8 m of the Project area. The buffer extends into the Project area. There may be impacts from the proposed works. Impact to this site can be avoided by design (*)	Design and construction to avoid harm where possible. Site location to be protected with high-visibility fencing. When works are completed in the vicinity of the site, if there is a risk of harm, surface collection is to take place	1.8	Extends into project area
37-2-2738	Liddell EW 2	Artefact scatter	None	None	None	Site is 25m away from the Project area and will not be impacted as a result of the proposed works	Site location to be protected with high visibility fencing when works are being undertaken in the vicinity of the site	25.6	23.6
37-2-2739	Liddell EW 3	Isolated artefact	None	None	None	Site is 29m away from the Project area and will not be impacted as a	Site location to be protected with high visibility fencing when	29.7	27.7

Stage 3 Bayswater Ancillary Works - Cultural Heritage Management Plan

AHIMS #	Name	Site type	Type of harm	Degree of potential harm	Consequence of harm	Notes	Management Measure	Distance to project area (m)	Distance of buffer to project area (m)
						result of the proposed works	works are being undertaken in the vicinity of the site		
37-2-2740	Liddell EW 4	Isolated artefact	None	None	None	Site is 14m away from the Project area and will not be impacted as a result of the proposed works	Site location to be protected with high visibility fencing when works are being undertaken in the vicinity of the site	14.6	12.6

(*) The site design referred to here is associated with the Brine Concentration Return Water Pipeline. This Project aims to establish a secondary pipeline immediately adjacent to the already installed pipeline (within 2 metres) in an effort to reduce any further disturbance and work within the footprint of the pipeline that has already been constructed and the vegetation management zone that is already being maintained or this asset.

9. Implementation and Review of protection and management measures

9.1 Roles and responsibilities for implementation (B22(d)(i))

The Principal Contractor will have the day to day responsibilities for implementation of this CHMP, however, AGLM retain the overarching responsibility for ensuring compliance with conditions of approval. Key roles and responsibilities are outlined in Table 9-1.

Table 9-1. Roles and responsibilities

Role	Responsibility
AGLM Project Manager	<ul style="list-style-type: none"> Provide adequate resources for the implementation of this CHMP.
AGLM General Manager	<ul style="list-style-type: none"> Overall responsibility for the Bayswater Power Station site.
AGLM Manager, Environment Bayswater Power Station	<ul style="list-style-type: none"> Oversee the implementation of this CHMP. Notify regulatory authorities and affected stakeholders of incidents in accordance with this CHMP. Co-ordinate periodic reviews of this CHMP. Facilitate training of all employees and contractors in accordance with this CHMP.
Senior Manager Stakeholder Engagement	<ul style="list-style-type: none"> Co-ordinate ongoing RAP consultation.
Advisor, Environment Bayswater Power Station	<ul style="list-style-type: none"> Assist the Manager as required in the implementation of this CHMP. Manage and co-ordinate reasonable access for the Aboriginal community. Co-ordinate investigations of Aboriginal cultural heritage related incidents or complaints. Provide training to all relevant personnel.
Environment Team	<ul style="list-style-type: none"> Participate in awareness training when working near Aboriginal objects. Assist the Environment and Community Co-ordinator 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 CHMP. 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.

9.2 Monitoring and evaluation of management plan

Regular inspection of the Aboriginal objects should take place, particularly prior to the commencement of any activity in the vicinity of those objects, during the activity and at the completion of works, to ensure that objects are protected or collected, as per the requirements of this CHMP.

This inspection should be undertaken by an archaeologist, accompanied by RAPs where they are available, then documented in a short report. The contents of this report are outlined in Section 9.2.1.

This short report should be kept with all project documentation as outlined in Section 7.8.

9.2.1 Recording and documentation of protection and management mechanisms

The report of the protection and management mechanisms required in this CHMP must include the following as a minimum:

- Description of the Aboriginal object(s) at the time of the inspection, including physical and environmental context.
- Photographs, differential Global Positioning System (dGPS) co-ordinates, mapping where appropriate.
- Attendees at inspection.
- Weather at time of inspection.
- Proposed protection and management mechanisms and their objective (ie. Protection/collection).
- Implementation of those mechanisms.
- Success of those mechanisms in achieving their objective.
- Consultation with RAPs, if relevant.
- Outcome of protection and mitigation mechanism.
- Observations, particularly recommendations for improvement.

This report should be provided to RAPs for their review as part of their ongoing engagement throughout the life of the Project.

9.2.2 Inspections and audit of efficacy of protection and management mechanisms

Environmental inspections and audits are conducted regularly at Bayswater and are the responsibility of the Environmental Team. Inspection schedules will follow the approved CEMP for the relevant project/s.

Audit requirements will be in accordance with the DPE Compliance Reporting Post Approval Requirements May 2020. Any non-compliance with the requirements of the CHMP should be recorded and management in accordance with the Corrective and Preventative Actions Procedure AGLM-HSE-PRO-007.

9.2.3 Compliance management

AGLM are required to report of compliance for the Project. Compliance with the requirements of the CHMP should form part of those requirements.

Project compliance report requirements are determined by the Compliance Reporting Requirements outlined in the Compliance Reporting Post Approval Requirements (DPIE 2020) and submitted within specific timeframes.

Compliance Reports must be made publicly available within 60 days of submission to the Planning Secretary.

9.3 Continuous improvement and review

As part of the requirements of Development Consent SSD 8889679, this CHMP must be subject to regular review and update. This is to ensure that the plan remains current and relevant to the Project.

This plan should be reviewed regularly, every three years, unless other triggers apply.

It should also be reviewed and, where necessary, revised within three months of the following:

- Submission of an incident report
- Submission of an audit report
- Approval of any modification to the conditions of the Development Consent
- A direction of the Secretary.

When a management plan, strategy or program is revised it should be submitted to AGLM for assessment and approval in accordance with the review process outlined in each plan or strategy and submitted to DPE if required. All reviews are to be documented and revisions noted.

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Appendix A. AGL-HSE-STD-009.8-Cultural Heritage Standard

Cultural Heritage Standard

AGL-HSE-STD-009.8

This standard applies to all activities carried out by AGL employees and contractors, in AGL controlled sites, that cause or are likely to cause harm to cultural heritage; and activities undertaken to protect and conserve cultural heritage.

The reference numbers given to minimum controls provide a direct linkage between this standard and the Risk and Control Matrix. The Cultural Heritage Methodology AGL-HSE-SDM-009.8 provides further explanation of how to achieve the minimum controls.

RCM Ref	Minimum Controls
CULTURAL HERITAGE MANAGEMENT	
9.8.1.1	Prior to the commencement of activities and works, cultural heritage that is likely to be affected by AGL controlled site activities must be identified, evaluated and documented.
9.8.1.2	Whenever required, AGL controlled sites must engage a competent and experienced cultural heritage expert(s) to conduct a cultural heritage survey(s), study(ies) and/or assessment(s).
9.8.1.3	Control measures must be developed and implemented at AGL controlled sites to prevent and minimise potential or actual impacts from operations on cultural heritage.
9.8.1.4	Wherever applicable, AGL controlled sites must comply with the relevant codes of practice and guidelines prescribed by the regulatory authority(ies) for: <ul style="list-style-type: none"> Identifying and managing cultural heritage; Protecting and conserving cultural heritage; Carrying-out activities and/or works on a cultural heritage place; Conducting a survey on a cultural heritage place; and/or Conducting restoration, reconstruction and/or maintenance works on a cultural heritage place and/or object.
9.8.1.5	Unless covered under an existing regulatory approval held by the AGL controlled site, or the activities and/or works are subject to an exemption, a permit or authorisation must be obtained from the regulatory authority(ies) in order to: <ul style="list-style-type: none"> Enter or remain within, excavate or disturb a listed cultural heritage place or place covered by a protection/conservation order; Interfere with fencing, shelter, drain, protective work and signage erected at a cultural heritage place; Remove and/or relocate a cultural heritage object(s) from a listed cultural heritage place or place covered by a protection/conservation order; Excavate or disturb any land, in accordance with a code of practice (if applicable), for the purpose of: <ul style="list-style-type: none"> Searching and recovering cultural heritage object(s); and Searching and uncovering an indigenous cultural heritage place and/or human remains of indigenous origin; Bring vehicles, plant, equipment and/or materials onto land covered by cultural heritage legislation;

RCM Ref	Minimum Controls
	<ul style="list-style-type: none"> Carry-out land disturbance or vegetation clearing works that are known or suspected to endanger, cause harm or reduce the significance of a cultural heritage place and/or object; Damage, destroy, dispose of or alter a listed cultural heritage place and/or object or place covered by a protection/conservation order; and Conduct restoration, reconstruction and/or maintenance works on a cultural heritage place and/or object, or land restoration. <p>If a permit or authorisation is granted by the regulatory authority(ies), all conditions must be adhered to.</p>
9.8.1.6	<p>If an AGL controlled site has possession of a listed cultural heritage place and/or object, it must:</p> <ul style="list-style-type: none"> Restrict access to the cultural heritage place and/or object, including fencing-off and installing signage; Maintain, and if required repair, the place and/or object to ensure its conservation; Carry-out any works, in relation to the place and/or object, in accordance with the approved management plan or prescribed regulatory requirement(s); and Whenever required, notify of any works undertaken or proposed, in relation to the place and/or object, to the relevant regulatory authority(ies).
9.8.1.7	<p>Notices or orders, issued by the regulatory authority, related to cultural heritage, must be complied with, and all requirements adhered to.</p>
Unexpected cultural heritage finds	
9.8.1.8	<p>If during a land disturbance or vegetation clearing works, at an AGL controlled site, personnel believes or knows that they may have discovered a cultural heritage place and/or object, they must:</p> <ul style="list-style-type: none"> Immediately stop the works, within the area where the object/human remains has been discovered; Advise the relevant Leader and/or the site Environment representative; Take no further action (i.e. do not disturb, interfere, inter or remove), until notice is received from the relevant Leader(s) on how to proceed. <p>If required, the AGL controlled site must apply for a permit or authorisation for the recovery of the object and/or human remains. Conditions prescribed in the permits or authorisation must be adhered to.</p>
9.8.1.9	<p>The discovery of a cultural heritage place and/or object must be reported, as soon as practicable, to the relevant regulatory authority(ies), unless this information is believed to be known by the regulatory authority(ies).</p> <p>If it is reasonably likely that the place and/or object found is of indigenous origin, the AGL controlled site must also notify and consult with the relevant indigenous community(ies) or representative(s).</p>
9.8.1.10	<p>If human remains are found in an AGL controlled site, personnel must:</p> <ul style="list-style-type: none"> Immediately stop any works being carried-out within the area where the human remains have been discovered; Report discovery to the Police, as soon as practicable, and to the relevant regulatory authority(ies) if required; and

RCM Ref	Minimum Controls
	<ul style="list-style-type: none"> If it is reasonably likely that the human remains found are of indigenous origin, the AGL controlled site must also notify and consult with the relevant indigenous community(ies) or representative(s).
Indigenous Cultural Heritage	
9.8.1.11	<p>Whenever required, an AGL controlled site must engage and consult with the relevant indigenous community(ies) or representative(s), when required to:</p> <ul style="list-style-type: none"> Identify, assess and manage potential impacts on known indigenous cultural heritage; Identify, assess and manage unexpected indigenous cultural heritage finds; Monitor activities and/or works that may impact on indigenous cultural heritage; Repair any damage caused to indigenous cultural heritage; or Develop and/or communicate indigenous cultural heritage information to personnel and contractors at the AGL controlled site.
9.8.1.12	<p>Indigenous cultural heritage knowledge or other information that is of sacred or secret nature must not be included in reports, registers or databases, unless:</p> <ul style="list-style-type: none"> Disclosure has been agreed by the relevant indigenous community(ies) or representative(s); or If required to be notified to the regulatory authority(ies).
9.8.1.13	<p>An AGL controlled site must only possess an indigenous cultural heritage object if:</p> <ul style="list-style-type: none"> Allowed by an authorisation, permit, cultural heritage agreement or approved Cultural Heritage Management Plan (CHMP); It has the consent of the owner; or Necessary in case of an emergency (e.g. bushfire or other natural disaster).
Indigenous Cultural Heritage - Cultural Heritage Management Plan (Indigenous – Victoria & Queensland)	
9.8.1.14	<p>AGL controlled sites must verify whether a Cultural Heritage Management Plan (CHMP) is to be developed and approved for the proposed activity.</p> <p>If a CHMP is not required, an AGL controlled site may decide to prepare a CHMP on a voluntary basis.</p>
9.8.1.15	<p>An AGL controlled site intending to develop a CHMP must:</p> <ul style="list-style-type: none"> Notify the relevant stakeholders before starting to prepare the plan; Consult and negotiate with relevant stakeholders during the preparation of the plan; and Get approval for the plan from each of the relevant stakeholders.
9.8.1.16	<p>A CHMP must be developed in accordance with prescribed regulatory requirements and guidelines, whenever applicable.</p>

RCM Ref	Minimum Controls
9.8.1.17	AGL controlled sites must engage a competent and experienced cultural heritage expert, and other professionals (e.g. land surveyor or civil engineer) if required, to assist in the preparation of a CHMP.
INCIDENTS AND EMERGENCIES	
9.8.1.18	Incidents and emergencies resulting in significant impacts on cultural heritage must be reported to the regulatory authority, in accordance with the notification requirements established by applicable legislation.
9.8.1.19	Incidents resulting in potential or actual impacts to cultural heritage must be investigated and reported using the AGL Incident Management System.
TRAINING AND COMPETENCE	
9.8.1.20	Cultural heritage maintenance and repair works, and the recovery of cultural heritage objects and/or human remains, must be carried out by a competent and experienced cultural heritage expert and if required, assisted by other suitably qualified professionals.
9.8.1.21	AGL controlled sites must provide Health, Safety and Environment (HSE) and other relevant training to the indigenous community representative(s), who have been nominated to monitor specific activities and/or works on-site.

Version	Date	Reviewed by	Approved by	Date approved	Next Review	Comments
2.0	09/05/2018	HSE Systems Manager	Head of Safety/Head of Environment, Health, Audit and Training	09/05/2018	09/11/2020	Version 2.0

Appendix B. Planning Secretary's approval for Fran Scully to prepare CHMP

Department of Planning and Environment



Our ref: SSD-8889679-PA-26

Vicki Brady
Manager, Environment - Energy Hubs
68 Northbourne Ave
City, ACT, 2601
16 October 2023

Subject: Appointment of Fran Scully as Heritage Consultant/ Archaeologist

Dear Ms Brady

I refer to your request dated 10 October 2023 for the Secretary's approval of Fran Scully as Heritage Consultant/ Archaeologist for the preparation of an Aboriginal Cultural Heritage Management Plan (ACHMP) under Condition B22 (a), Part B of Liddell Battery and Bayswater Ancillary Works (SSD 8889679).

The Department has reviewed the nomination and information you have provided and is satisfied that Ms Scully is suitably qualified and experienced to prepare the ACHMP. Accordingly, I can advise that the Planning Secretary approves the appointment of Ms Scully as Heritage Consultant/ Archaeologist.

If you wish to discuss the matter further, please contact Anastassia Kouxenکو on 02 9228 6255 or anastassia.kouxenko@dpie.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be "SOD", written over a light blue circular stamp.

Stephen O'Donoghue
Director
Resource Assessments
as nominee of the Secretary

Appendix C. Planning Secretary's approval of CHMP

Appendix D. Email sent to RAPs on 1 November 2023 and responses

do Nascimento, Cynthia

From: van Haandel, Emma
Sent: Wednesday, 29 November 2023 11:26 AM
To: do Nascimento, Cynthia
Subject: FW: [EXTERNAL] Re: CHMP Liddell Battery and Bayswater Ancillary Works Project – Stage 3 Bayswater Ancillary Works

Emma van Haandel (she/her) | [Jacobs](#) | Graduate Environmental Management Consultant
M: +61402 481 661 | emma.vanhaandel@jacobs.com
Level 12, 452 Flinders Street | Melbourne (Naarm – Wurundjeri Country), Victoria 3000 | Australia



From: Scully, Fran <Fran.Scully@jacobs.com>
Sent: Thursday, 23 November 2023 12:16 PM
To: van Haandel, Emma <Emma.vanHaandel@jacobs.com>
Subject: FW: [EXTERNAL] Re: CHMP Liddell Battery and Bayswater Ancillary Works Project – Stage 3 Bayswater Ancillary Works

Hi Emma,

Here is the only reply we received from RAPs about the CHMP.

Thanks
Fran



From: lilly carroll <didgengunawalclan@yahoo.com.au>
Sent: Wednesday, 1 November 2023 8:07 PM
To: Ferguson, Jake <Jake.Ferguson@jacobs.com>
Cc: Scully, Fran <Fran.Scully@jacobs.com>; Kelly, Daniel <Daniel.Kelly@jacobs.com>
Subject: [EXTERNAL] Re: CHMP Liddell Battery and Bayswater Ancillary Works Project – Stage 3 Bayswater Ancillary Works

We are all good with this thanks Jake- all the best!

Kind regards
Paul

[Sent from Yahoo Mail for iPhone](#)

On Wednesday, November 1, 2023, 3:06 pm, Ferguson, Jake <Jake.Ferguson@jacobs.com> wrote:

Hi


Jacobs are currently drafting a CHMP for Liddell Battery and Bayswater Ancillary Works Project. As you were previously involved in the first stages of this project, we would like to send this document for you to review. If you have any questions or would like to flag anything for review please contact me or my colleague on these emails: Daniel.Kelly@jacobs.com Jake.ferguson@jacobs.com.

Kind regards.

Jake Ferguson (He/ Him) BA | [Jacobs](#) | Graduate Archaeologist | Asia Pacific Buildings & Infrastructure

M: 0466464466 | jake.ferguson@jacobs.com

Level 7, 177 Pacific Highway | North Sydney, NSW 2060 | Australia

 *I acknowledge the Traditional Custodians of the Country upon which I work, and pay my respects to them, their culture and their Elders past, present and future. Sovereignty has never been ceded. It always was and always will be, Aboriginal land.*


Please note I work flexible hours and may respond outside of business hours. I do not expect you to read, action or respond out of your normal hours.

NOTICE - This communication may contain confidential and privileged information that is for the sole use of the intended recipient. Any viewing, copying or distribution of, or reliance on this message by unintended recipients is strictly prohibited. If you have received this message in error, please notify us immediately by replying to the message and deleting it from your computer.

Jacobs are currently drafting a CHMP for Liddell Battery and Bayswater Ancillary Works Project. As you were previously involved in the first stages of this project, we would like to send this document for you to review. If you have any questions or would like to flag anything for review please contact me or my colleague on these emails: Daniel.Kelly@jacobs.com Jake.ferguson@jacobs.com.

Kind regards.

Jake Ferguson (He/ Him) BA | Jacobs | Graduate Archaeologist | Asia Pacific Buildings & Infrastructure
M: 0466464466 | jake.ferguson@jacobs.com
Level 7, 177 Pacific Highway | North Sydney, NSW 2060 | Australia

 *I acknowledge the Traditional Custodians of the Country upon which I work, and pay my respects to them, their culture and their Elders past, present and future.
Sovereignty has never been ceded. It always was and always will be, Aboriginal land.*

Please note I work flexible hours and may respond outside of business hours. I do not expect you to read, action or respond out of your normal hours.

Appendix E. Email sent to RAPs and response to draft CHMP

Sean Barton

From: Admin <admin@wanaruahlandcouncil.com.au>
Sent: Thursday, 30 November 2023 3:14 PM
To: Sean Barton
Subject: [EXTERNAL] RE: DRAFT Cultural Heritage Management Plant - SSD-8889679 - Bayswater Ancillary Works

Good afternoon ,

Could you please send all correspondence to our CEO, De-anne Douglas at ceo@wanaruahlandcouncil.com.au

Please remove this email (admin@wanaruahlandcouncil.com.au) from the mailing list.

Kind regards,
Kemer

Administration Officer



Wanaruah Local Aboriginal Land Council
PO Box 127
Muswellbrook NSW 2333
Ph: 02 6543 1288
admin@wanaruahlandcouncil.com.au
<https://wanaruahlalc.wixsite.com/bindil>
<https://www.facebook.com/wanaruah.aboriginallandcouncil/>

I acknowledge the Traditional Owners of the land I work upon, The Wanaruah People and pay my respects to Elders past, present and future.

From: Sean Barton <SBarton@agl.com.au>
Sent: Thursday, 30 November 2023 8:33 AM
Subject: DRAFT Cultural Heritage Management Plant - SSD-8889679 - Bayswater Ancillary Works

Good afternoon,

Recently, you would have received an email from Jacobs' consulting in relation to our Draft Cultural Heritage Management Plan that we are proposing to underpin Stage 3 of the State Significant Development 8889679 at Bayswater Powerstation.

The Draft Cultural Heritage Management Plan has now been released. As you were involved in the consultation for the first stages of this Project, we would like to again seek your feedback.

If you may please provide any comments via return email by Friday 8th December, that would be sincerely appreciated.

If you require additional time to review the attached, please do not hesitate to reach out.

Kind regards

Sean Barton
Project Manager
Bayswater Powerstation

e: Sbarton@agl.com.au



This email is intended solely for the use of the addressee
and may contain information that is confidential or privileged.
If you receive this email in error please notify the sender and
delete the email immediately.

Appendix F. Copy of consultation with Heritage NSW

**Department of Climate Change,
Energy, the Environment and Water**



Our ref: DOC24/59325

Your ref: SSD-8889679

Department of Planning, Housing and Infrastructure

Letter uploaded to the Major Projects Planning Portal

Aboriginal Cultural Heritage Management Plan – State Significant Development

Proposal: Liddell Battery and Bayswater Ancillary Works Cultural Heritage Management Plan

Major Project reference: SSD-8889679

Received: 25 January 2024

To Whom It May Concern

Thank you for your referral seeking advice on the Aboriginal Cultural Heritage Management Plan dated 12 January 2024 for the above State Significant Development. Thank you for the continued opportunity to comment on the project.

We have reviewed the Aboriginal Cultural Heritage Management Plan and recommend that additional information is required, as discussed below.

- Please provide a figure that shows the location of all recorded sites (as polygons) within the approved works footprint.
- A brief review of AHIMS data indicates that several of the sites listed in Table 8-1 are located outside the project area (as shown in Figure 1-2). On this basis, please confirm whether Figure 1-2 requires revision to show full extent of the approved works footprint, or whether the sites are plotting incorrectly and will be subject to adjustment or whether the sites are located outside the proposed works footprint and adjust the impact assessment and management measures in Table 8-1 accordingly.
- Table 8-1 identifies that if site AHIMS #37-2-6284 that if site cannot be avoided, it will be subject to surface collection. The project ACHAR specifies that harm to this site will be avoided and therefore the current approval does not permit harm to this site. Please remove reference to surface collection.
- The AHIMS reference for Brine Pipeline 2 in Table 8-1 requires correction.
- Table 8-1 identifies that impacts may be avoidable to three sites, pending design and construction planning. Please confirm when design information will be finalised to determine whether or not these sites will be impacted.
- Section 7.1 identifies that the establishment of exclusion fencing will not have a subsurface impact. Please clarify how will this be achieved?

4PSQ, 12 Darcy Street, Parramatta NSW, 2150
Locked Bag 5020, Parramatta NSW, 2124
Major Project reference: SSD-8889679

www.environment.nsw.gov.au/topics/heritage

Page: 1 of 2

- Section 9.2 should include provision for involvement of Registered Aboriginal Parties in site inspections.

Following revision of the Aboriginal Cultural Heritage Management Plan to address the above comments, please resubmit the Plan to Heritage NSW for comment.

Please note that the above comments relate only to Aboriginal cultural heritage regulation matters. If you have any questions regarding these comments, please contact Nicola Roche, Principal Assessments Officer, at Heritage NSW on 9228 6424 or nicola.roche@environment.nsw.gov.au.

Yours sincerely

Nicole Davis

Nicole Davis
Manager Assessments

Heritage NSW

Department of Climate Change, Energy, the Environment and Water

As Delegate under National Parks and Wildlife Act 1974

12 February 2024

