

Liddell Power Station Battery Energy Storage System Aboriginal Cultural Heritage Management Plan

Environmental Management System

28-Jun-2023

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Glossary and terms

Term	Description
AECOM	AECOM Australia Pty Ltd
ACHAR	Aboriginal Cultural Heritage Assessment Report
ACHMP	Aboriginal Cultural Heritage Management Plan
AGLM	AGL Macquarie Pty Ltd
AHIMS	Aboriginal Heritage Information Management System
ASIR	Aboriginal Site Impact Recording
BAW	Bayswater Ancillary Works
BESS	Battery Energy Storage System
BESS Project (the)	Stage 2 of the Liddell Battery and Bayswater Ancillary Works Project consisting of the construction, operation and decommissioning of a BESS with the storage capacity to facilitate a maximum discharge of up to 500 MW for a four-hour period, or up to 2 GWh
CCTV	Closed-circuit television
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> (NSW)
EPL	Environment Protection Licence
GDA	Geocentric Datum of Australia
GWh	Gigawatt hours
ha	hectares
km	kilometre
kV	Kilovolt
LBBAWP	Liddell Battery and Bayswater Ancillary Works Project, consisting of a battery energy storage system at Liddell, decoupling works, and works associated with the ongoing operation of Bayswater
MW	Megawatt
NEM	National Energy Market
NPW	National Parks and Wildlife
POEO Act	<i>Protection of the Environment Operations Act 1997</i> (NSW)
RAP	Registered Aboriginal Party
SEARs	Secretary's Environmental Assessment Requirements
SSD	State Significant Development
V	Volt

1.0 Introduction

AECOM Australia Pty Ltd (AECOM) was commissioned by AGL Macquarie Pty Limited (AGLM) to prepare an Aboriginal Cultural Heritage Management Plan (ACHMP) for a Battery Energy Storage System (BESS) to be constructed as part of the Liddell Battery and Bayswater Ancillary Works Project (LBBAWP), NSW.

The LBBAWP is a State Significant Development (SSD) under the *State Environmental Planning Policy (State and Regional Development) 2011*¹, and is subject to Part 4, Division 4.7 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

An Environmental Impact Statement (EIS) was prepared in March 2021 in accordance with the Secretary's Environmental Assessment Requirements (SEARs). Development consent (SSD-8889679) was issued by the Department of Planning and Environment (DPE) on 8 March 2022.

1.1 Background

AGLM is progressing with plans to facilitate the efficient, safe and reliable continuation of electricity-generating works from the Bayswater and Liddell sites. The LBBAWP will be carried out in the following stages:

- Stage 1 - Decoupling Works: Alternative network connection arrangements for the Liddell 33 Kilovolt (kV) switching station that provides electricity to the infrastructure required for the ongoing operation of Bayswater power station, to associated ancillary infrastructure and to potential third-party industrial energy users
- Stage 2 - BESS: Replacement of a portion of Liddell's dispatchable electricity supply is required for the National Energy Market (NEM), including the construction of a grid-connected utility-scale BESS with a capacity of up to 500 megawatts (MW) and 2 gigawatt hours (GWh)
- Stage 3 - Bayswater Ancillary Works (BAW): Works associated with Bayswater power station, which may include upgrades to ancillary infrastructure, such as pumps, pipelines, conveyor systems, roads and assets, to enable maintenance, repairs, replacement or expansion
- Consolidated consents: Surrender and consolidation of various existing development approvals required for the ongoing operation of AGLM assets.

This ACHMP has been developed for Stage 2 only (i.e., the BESS), which is hereinafter referred to as 'the BESS project', with the BESS works footprint referred to as the 'ACHMP Area' (Figure 1).

1.2 Site details

The AGLM landholding is located approximately 15 kilometres (km) southeast of Muswellbrook, 25 km northwest of Singleton, and approximately 165 km west northwest of Sydney in NSW. The total area of the AGLM landholding is approximately 10,000 ha, including the Bayswater and Liddell power station operational areas, the Ravensworth rehabilitation area, Lake Liddell and surrounding buffer lands.

Surrounding the AGLM landholding is predominantly land uses heavily influenced by industrial activity. The local area is dominated by large-scale infrastructure associated with Bayswater and Liddell power stations and open cut mining activities. Agricultural clearing for the purposes of grazing is also present within and surrounding the AGLM landholding.

Elevations within approximately 10 kilometres of the AGLM landholding range from around 100 to 500 metres above sea level.

The majority of the AGLM landholding has been previously disturbed during the construction and operation of Liddell and Bayswater power stations and historic agricultural activity. The BESS will be located within the site of the existing solar array area (the site), shown as 'Area 2' in Figure 2. This

¹ Now State Environmental Planning Policy (Planning Systems) 2021

location was selected as it is in close proximity to Liddell Power Station and is on previously disturbed operational lands no longer required for Liddell operations.

The solar array area consists of approximately 5 ha of solar thermal equipment. This consists predominantly of steel pipes used for heat absorption and water and steam transfer, mirror reflectors and steel mounting structures, as shown in Figure 3.

1.3 Project description

The BESS Project involves the construction, operation and decommissioning of a BESS with the storage capacity to facilitate a maximum discharge of up to 500 MW for up to a four-hour period, or up to 2 GWh. The BESS will be located within 'Area 2', the existing solar array area, and will be connected to the existing TransGrid 330kV substation via a new 330kV high-voltage power line (refer to Figure 2).

The BESS project will involve the demolition of the existing solar array area. The disturbance area for the BESS is expected to be around eight hectares (ha). The BESS will be mounted on slab footings and will be containerised or otherwise enclosed in a formalised layout.

The approximate component requirements to achieve the maximum storage capacity for the BESS (based on indicative information provided by potential technology providers) are as follows:

- Approximately 900 pre-assembled battery enclosures containing lithium-ion type batteries, internal cooling and fire suppression systems
- Approximately 148 medium voltage skid (inverter and transformers)
- Approximately 148 off 630 Volt (V) to 33 kV step-up transformers
- One control room, two electrical rooms, one social facility room and four storage rooms
- 33kV reticulation system and collector switchrooms
- Overhead, underground, or a combination of both, subject to detailed design, 330 kV line to connect to TransGrid 330 kV substation
- Two 33 kV / 33kV / 330 kV three-winding transformers and 330 kV connection equipment
- Ancillary infrastructure, including water tanks for bushfire protection purposes, lightning protection, security fencing and closed-circuit television (CCTV).

An indicative layout of the BESS is shown in red in Figure 4.



Figure 1 ACHMP area



Figure 2 Overview of Stage 1 and Stage 2 of the LBBAWP (ACHMP Area in red) (source: Jacobs 2021)



Figure 3 Existing solar array area

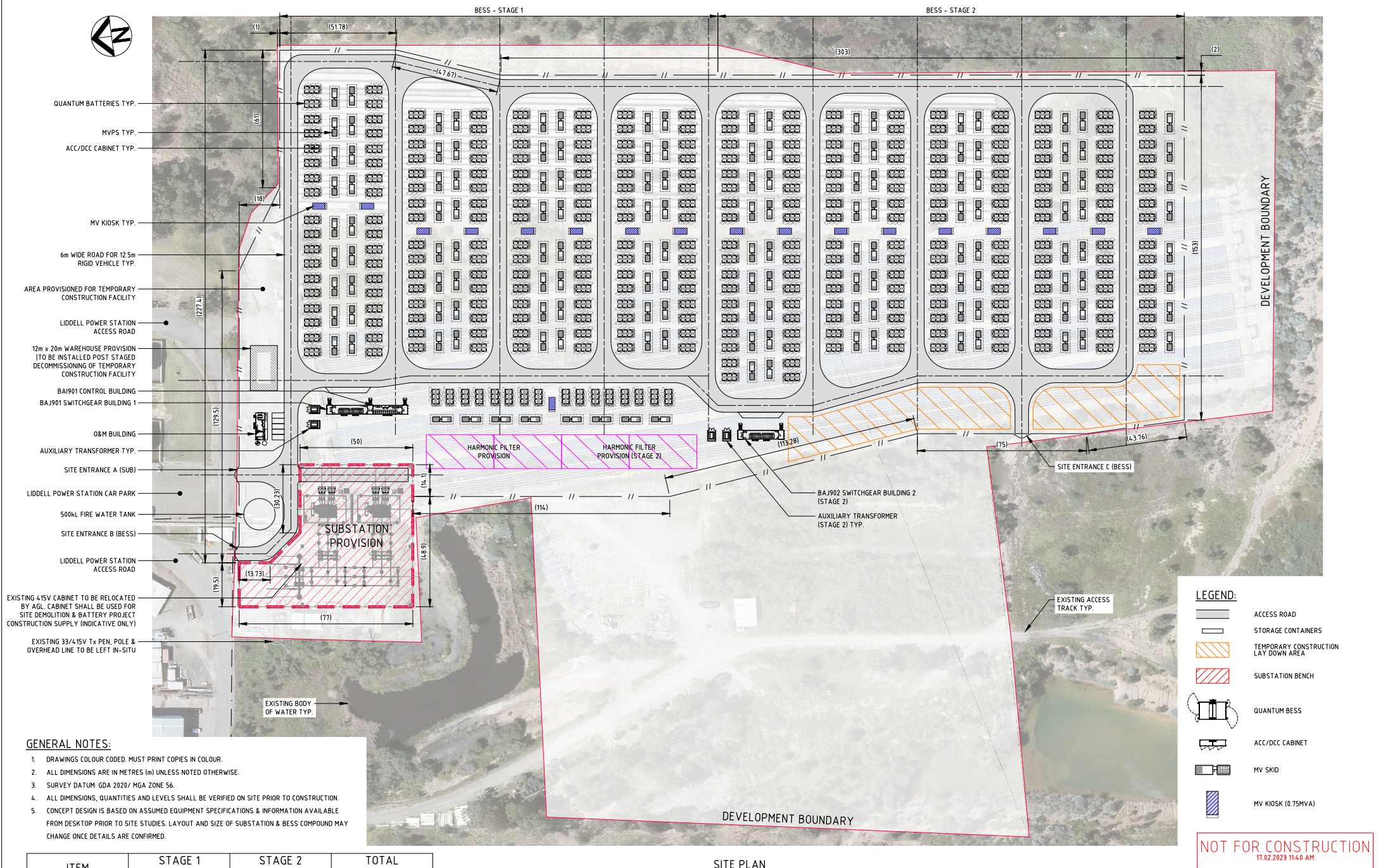


Figure 4 Preliminary site layout (indicative only)

1.4 Construction activities

Construction works associated with the BESS project would be likely to involve:

- Installation and maintenance of environmental controls, including temporary and permanent water management infrastructure
- Establishment of access from the Liddell access road
- Demolition or deconstruction of existing infrastructure as required, including the existing solar array area
- Establishment of a hardstand pad and construction laydown areas
- Cut and fill to battery compound, transformer compounds, footings and construction laydown area
- Trenching of 33kV reticulation system
- Trenching and/or overhead line installation to TransGrid 330 kV substation
- Structural works to support enclosures, inverters, transformers, buildings and transformer compounds
- Delivery, installation and electrical fit-out
- Testing and commissioning activities
- Removal of construction equipment and reinstatement of construction areas.

1.5 Relevant approvals and conditions

1.5.1 Project approvals

Liddell power station was commissioned in 1971 and forms part of AGLM's integrated power generation complex. This complex also incorporates Bayswater power station (commissioned in 1985) and a range of supporting water management, coal supply, power supply and control system infrastructure.

Bayswater and Liddell power stations are regulated under several planning approvals. Most development at the site pre-dates current planning requirements enforced through the EP&A Act, however, alterations and additions after 1 September 1980 were subject to the provisions of the Act.

Development consent (SSD-8889679) was granted for the LBBAWP on 8 March 2022, which includes the voluntary surrender and consolidation of various existing development approvals into SSD-8889679.

In accordance with Section 55 of the *Protection of the Environment Operations Act 1997* (POEO Act), Liddell and Bayswater power stations are operated under Environment Protection Licences (EPL) EPL 2122 and EPL 779, respectively.

1.5.2 Development consent conditions

In accordance with SSD-8889679 development consent condition C1, an Environmental Management Strategy (EMS) has been prepared for the BESS project to provide a strategic framework for the environmental management of the development. A range of subplans have been developed to support the EMS and address development consent condition C1(e)(i).

This ACHMP sets out the procedures for the management of Aboriginal cultural heritage values within the ACHMP Area. It has been prepared to satisfy conditions B18 to B22 of SSD-8889679, as well as commitments in the EIS prepared for the BESS Project. The relevant conditions are outlined below in Table 1.

Table 1 Development consent conditions – Aboriginal cultural heritage management

Condition	Requirement	Reference
<i>Schedule. 2</i> <i>B18</i>	The Applicant must ensure the development does not cause any direct or indirect impacts on the Aboriginal heritage items located outside the development footprint.	Section 5.7
<i>Schedule. 2</i> <i>B19</i>	If any previously unknown Aboriginal object or place is identified on site, or suspected to be on the site: (a) all work in the immediate vicinity of the potential Aboriginal object must cease immediately; (b) a 10 m wide buffer area around the suspected item or object must be cordoned off; and (c) Heritage NSW must be contacted as soon as practicable.	Section 5.3
<i>Schedule. 2</i> <i>B20</i>	Work in the immediate vicinity of the Aboriginal object may only recommence if: (a) the potential Aboriginal object is confirmed by Heritage NSW, in consultation with the Registered Aboriginal Parties, not to be an Aboriginal object or Aboriginal place; (b) the Cultural Heritage Management Plan is revised to include the Aboriginal object and appropriate measures in respect of it; or (c) the Planning Secretary is satisfied with the measures to be implemented in respect of the Aboriginal object and makes a written direction in that regard.	Section 5.3
<i>Schedule. 2</i> <i>B21</i>	The Applicant must ensure that all known Aboriginal objects or Aboriginal places on the site and within any offset areas are properly recorded, those records are kept up to date and are reported to the Aboriginal Heritage Information Management System (AHIMS).	Section 5.3.3
<i>Schedule. 2</i> <i>B22</i>	The Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development. The plan must: (a) be prepared by suitably qualified and experienced persons approved by the Secretary; (b) be prepared in consultation with Registered Aboriginal Parties and Heritage NSW; (c) be submitted to the Planning Secretary for approval prior to carrying out construction under this consent; (d) describe the measures to be implemented on the site to: (i) comply with the heritage-related operating conditions of this consent; (ii) ensure all workers receive suitable Aboriginal cultural heritage inductions prior to carrying out any activities which may cause impacts to Aboriginal objects or Aboriginal places, and that suitable records are kept of these inductions;	Section 1.8 Section 5.0 Section 6.0 Section 4.0

Condition	Requirement	Reference
	(iii) protect, monitor and/or manage identified Aboriginal objects and Aboriginal places (including proposed salvage of objects within the approved disturbance area) in accordance with the commitments made in the document/s listed in condition A2(c); (iv) protect Aboriginal objects and Aboriginal places located outside the approved disturbance area from impacts of the development; (v) manage the discovery of suspected human remains and any new Aboriginal objects or Aboriginal places, including provisions for burials, over the life of the development; (vi) maintain and manage reasonable access for relevant Aboriginal stakeholders to Aboriginal objects and Aboriginal places (outside of the approved disturbance area); and (vii) facilitate ongoing consultation and involvement of Registered Aboriginal Parties in the conservation and management of Aboriginal cultural heritage on the site; and (viii) 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.	

1.6 Scope, purpose and objectives

The objectives of this ACHMP are to:

- ensure compliance with the relevant operating conditions of SSD-8889679
- detail all relevant statutory requirements associated with Aboriginal cultural heritage values and the BESS works component of SSD-8889679
- provide protocols to protect, monitor and manage Aboriginal cultural heritage values within the ACHMP Area
- detail measures to be implemented if any new Aboriginal objects, places or potential human skeletal remains are found
- provide a protocol for ongoing consultation with Registered Aboriginal Parties (RAPs)
- provide a protocol for reasonable access to Aboriginal objects and places (outside of the approved ACHMP Area)
- detail the Aboriginal cultural heritage training requirements for relevant personnel
- detail the procedure for reporting Aboriginal cultural heritage-related incidents and non-compliances to relevant stakeholders
- manage complaints related to Aboriginal cultural heritage in a timely and effective manner.

This ACHMP is one of a series of Environmental Management Plans that together form the Environmental Management System for the Liddell Power Station.

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

1.7 Related reports and plans

Report and management plans relevant to this ACHMP include:

- Jacobs Group (Australia) Pty Ltd. 2021. Liddell Battery and Bayswater Ancillary Works Project Aboriginal Cultural Heritage Assessment Report.
- AECOM Australia Pty Ltd. (2022). Liddell Power Station Decoupling Works Aboriginal Cultural Heritage Management Plan.
- AECOM Australia Pty Ltd. (2020). Bayswater Power Station WOAOW Project Aboriginal Cultural Heritage Assessment Report. Unpublished report for AGL Macquarie.
- AGL Macquarie Pty Limited. (2017). Heritage Management Plan.

1.8 Authorship

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

2.0 Legislation and guidelines

2.1 Environmental Planning and Assessment Act 1979

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

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

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

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

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

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

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

2.2 National Parks and Wildlife Act 1974

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

- An *Aboriginal object* is any deposit, object or material evidence (that is not a handicraft made for sale) relating to Aboriginal habitation of NSW before or during the occupation of that area by persons of non-Aboriginal extraction (and includes Aboriginal remains)
- An *Aboriginal place* is a place declared so by the Minister administering the NPW Act because the place is or was of special significance to Aboriginal culture. It may or may not contain Aboriginal objects

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

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

As indicated in Section 2.1, pursuant to Section 89J of the EP&A Act, AHIPs are not required for projects approved under Division 4.1 of Part 4 of the EP&A Act, with impacts typically managed under ACHMPs. ACHMPs are statutorily binding once approved by DPE.

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

3.0 Roles and responsibilities

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

Table 2 Roles and responsibilities

Role	Responsibilities
Project Manager	• Provide adequate resources for the implementation of this ACHMP.
Site Manager	• Overall responsibility for the Liddell Power Station site
Environment Manager	• Oversee the implementation of this ACHMP • Notify regulatory authorities and affected stakeholders of incidents in accordance with this ACHMP • Coordinate ongoing RAP consultation • Coordinate periodic reviews of this ACHMP • Facilitate training of all employees and contractors in accordance with this ACHMP.
Environment Advisor	• Assist the Manager as required in the implementation of this ACHMP • Manage and coordinate reasonable access for the Aboriginal community • Coordinate investigations of Aboriginal cultural heritage related incidents or complaints

Role	Responsibilities
	- Coordinate the management of records required under this ACHMP - Provide training to all relevant personnel.
Supervisors	- Participate in awareness training when working near Aboriginal heritage sites - Assist the Environment and Community Coordinator with investigations into non-compliances, incidents or complaints.
All Personnel	- Undertake works in accordance with the objectives and principles of this ACHMP - 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.

4.0 Management of Aboriginal Cultural Heritage Values

4.1 Known Aboriginal Archaeological Sites

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

4.2 Known Aboriginal Cultural Heritage Values

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

4.3 Unanticipated Finds Protocol

4.3.1 Aboriginal Objects/Places

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

- all works within the immediate vicinity of the potential Aboriginal object/place must cease immediately
- a 10 metre wide buffer area must be established around the suspected object/place must be cordoned off
- the Site Manager must be notified
- should the object/place be determined to be Aboriginal, Heritage NSW and RAPs must be contacted as soon as practicable
- work in the immediate vicinity may only recommence if:
 - The potential Aboriginal object is confirmed by Heritage NSW, in consultation with the RAPs, not to be an Aboriginal object or Aboriginal place
 - this ACHMP is revised to include the Aboriginal object and appropriate measures in respect of it
 - the Planning Secretary is satisfied with the measures to be implemented in respect of the Aboriginal object and makes a written direction in that regard.

4.3.2 Human Skeletal Remains

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

- When suspected human remains are identified, all work in the near vicinity will cease immediately

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

4.3.3 AHIMS Site Cards

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

4.4 Site Records Database

AGLM currently has an Aboriginal Site Database – AGLM AHIMS Register Historical. The database should be regularly updated throughout the operational life of the BESS project as required. As outlined in Section 4.3, if any unexpected sites are located during the lifecycle of the BESS project these must also be added to the database and include all details listed above.

4.5 ASIR Cards

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

4.6 Care and Control of Salvaged Objects

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

A long-term management strategy has not yet been established by AGLM or the RAPs. As such, salvaged Aboriginal objects would remain in the temporary storage location until a decision is made. Any decisions regarding the long-term management of Aboriginal objects would be made in consultation with RAPs and Heritage NSW.

4.7 Sites Outside the Development Footprint

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

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

5.0 Aboriginal Community Engagement

5.1 Principles of RAP Engagement

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

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

5.2 Welcome to Country and Acknowledging Traditional Owners

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

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

5.3 Aboriginal Cultural Heritage Assessment Report (ACHAR) Consultation

Consultation with RAPs during the preparation of the LBBAWP's ACHAR (Jacobs 2021) was undertaken in accordance with Heritage NSW's *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (NSW Department of Environment Climate Change & Water, 2010). A total of 25 Aboriginal parties were consulted for the assessment. These RAPs are listed in Table 3 and will continue to be consulted with regard to Aboriginal cultural heritage values relevant to the BESS Project as well as this ACHMP.

Table 3: Registered Aboriginal Parties

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

5.4 ACHMP Consultation

The draft ACHMP was distributed to all RAPs listed in Table 3 on 24 February 2023, for consultation and comment. RAPs were provided with a minimum 28-day period to provide comments on the plan. Two written responses to the draft ACHMP were received both in support of the plan. A copy of the RAP correspondence is provided in Appendix B.

5.5 Ongoing RAP Consultation

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

- there are significant changes to approved operations at the site resulting in potential implications for Aboriginal heritage management
- there is a discovery of an Aboriginal object/site (in accordance with the process described in Section 4.3)

- there is an opportunity to participate in Aboriginal archaeological survey or salvage works (should these be required)
- there are discussions regarding the long-term management of Aboriginal heritage objects/places at the site.

6.0 Regulatory Consultation

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

The draft ACHMP was submitted to Heritage NSW for review on 12 May 2023. A copy of Heritage NSW's response is provided in Appendix C.

7.0 Compliance and reporting

7.1 Incident Notification, Reporting and Response

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

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

- a. Site Manager is to be notified
- b. Environment Manager will notify DPE and Heritage NSW of the incident as soon as possible
- c. the Contractor will engage a suitably qualified and experienced person(s) to:
 - Investigate the complaints/claims
 - Review the environmental performance of the ACHMP.
- d. AGLM provide DPE, Heritage NSW and RAPs with a written report within 30 days that describes:
 - the nature of the non-compliance concern
 - the date and time of the incident
 - the likely cause of the incident
 - actions that have been taken
 - proposed measures to address the incident.

7.2 Non-Compliance Notification

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

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

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

7.3 Complaints

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

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

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

The following details should be recorded:

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

8.0 Audit and Review

8.1 Independent Environmental Audit

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

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

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

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

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

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

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

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

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

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

Secretary's satisfaction that independent operational audits have demonstrated operational compliance.

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

8.2 Review Schedule

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

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

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

9.0 Training and Inductions

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

All employees, contractors and supervisors carrying out any activities that may cause impacts to Aboriginal objects/places will undertake a more detailed awareness training package prior to the commencement of their work to avoid any inadvertent impacts. Where reasonable and feasible, Wonnarua knowledge holders would be used to facilitate awareness training. Training packages will be updated regularly to be relevant to the type of works being completed. Records of training will be kept and maintained in a site database.

10.0 References

Jacobs Group (Australia) Pty Ltd. (2021). *Liddell Battery and Bayswater Ancillary Works Project Aboriginal Cultural Heritage Assessment Report*. Unpublished report for AGL Macquarie.

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

Jacobs Group (Australia) Pty Ltd. (2021). *Liddell Battery and Bayswater Ancillary Works Project Aboriginal Cultural Heritage Assessment Report*. Unpublished report for AGL Macquarie.

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

Appendix A

CV and Endorsement

Appendix A CV and Endorsement

Department of Planning and Environment



Our ref: SSD-8889679

Vicki Brady
Manager, Environment – Energy Hubs
AGL Macquarie Limited
Via Major Projects Portal
13/02/2023

Subject: Appointment of Geordie Oaks as Heritage Expert – Liddell Battery and Bayswater Ancillary Works
(SSD-8889679)

Dear Ms Brady

I refer to your request dated 25th January 2023 for the Planning Secretary's endorsement of Geordie Oaks as a suitably qualified and experienced person to prepare the Aboriginal Cultural Heritage Management Plan for the development under Condition B22 of the development consent.

The Department has reviewed the nomination and information you have provided and is satisfied that Mr Oaks is suitably qualified and experienced. Accordingly, I can advise that the Planning Secretary endorses the appointment of Mr Oaks to prepare the Aboriginal Cultural Heritage Management Plan.

If you wish to discuss the matter further, please contact Jack Turner on 9995 5387.

Yours sincerely

A handwritten signature in black ink, appearing to read "W Jones".

Wayne Jones
Team Leader - Post Approval
Resource Assessments

As nominee of the Planning Secretary



Résumé

1

Geordie Oakes
Principal Heritage Specialist**Qualifications**

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

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

Diploma of Information Technology (2001)

Affiliations

Australian Archaeological Association – Member

Australian ICOMOS – Associate Member

Certificates & Training

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

NSW RIW Rail Safety Worker Card #RSN0010080545-
100

4WD Training – Getabout Training Services

Career History

Geordie has an Honours Degree in Historic / Prehistoric Archaeology from the University of Sydney and has worked as a heritage consultant for over 15 years. Geordie has worked on a wide range of projects in a number of states including NSW, ACT, VIC and NT. As a result, he has gained extensive experience in undertaking both Aboriginal and historic heritage assessments, in addition to developing critical professional skills.

Key skills include community consultation, project management, report preparation, archaeological survey and excavation, and artefact analysis. With a background in information technology, Geordie also has experience in GIS mapping and database systems, bringing additional value to projects he is involved with.

Geordie has worked on Aboriginal and historic heritage assessments for both the public and private sectors across a range of industries with a focus on mining, linear infrastructure projects, urban development and commercial building development.

In addition to heritage assessments, Geordie has also prepared Section 90 Aboriginal Heritage Impact Permits (AHIPs), Aboriginal Cultural Heritage Management Plans (ACHMPs), Care Agreements, Section 60 and Section 57 exemptions.

02-Feb-2018

AECOM

Résumé **Geordie Oakes**
Principal Heritage Specialist

2

Detailed ACHMP Experience

Selected projects include:

Bayswater WOAOW Project 2022 (AGL) ACHMP
Heritage lead and ACHMP author.*Liddell Battery, Decoupling and Bayswater
Ancillary Works Project 2022 (AGL) ACHMP*
Heritage lead and ACHMP author.*Maxwell Underground Coal Mine 2021 (Malabar
Coal) ACHMP.* Heritage lead and ACHMP author.*Maxwell Coal Infrastructure 2021 (Malabar Coal)*
ACHMP. Heritage lead and ACHMP author.*Bomen Solar Farm 2019 ACHAR and ACHMP
2019 (Beast Solutions).* Project Manager
responsible for coordinating fieldwork, reporting
and ACHMP preparation.*Bengalla Continuation of Mining ACHAR, ACHMP
& Salvage 2012-2017 (BMC).*
Project Manager coordinating all aspects of the
assessment including fieldwork, reporting and
stakeholder liaison.*Rixs Creek Mine Expansion (2015) (Bloomfield
Group) and ACHMP.* Assisted with the Aboriginal
and historic heritage impact assessments for the
Rixs Creek Mine Expansion near Singleton.
Geordie also co-authored the ACHMP for the
project.*Moolarben Coal Project and ACHMP (2012-2015)
(Moolarben Coal Operations).* Author of multiple
Aboriginal heritage assessment for Moolarben
Coal Mine including rockshelter excavations.
Geordie also provided technical review of the
ACHMP.*Twin Creeks Estate ACHMP (Crown Projects)*
2013. Heritage lead and ACHMP author.*Drayton South Aboriginal Heritage Assessment ,
2011 and ACHMP.* Project Manager coordinating
all aspects of the assessment including fieldwork,
reporting, stakeholder liaison and ACHMP
preparation.**Other Heritage Assessment Experience***Bayswater WOAOW Project 2020 (AGL) Project*
Manager responsible for coordinating fieldwork
and reporting.*North Benalla Solar Farm CHMP 2020 (South
Energy) Project Manager* responsible for
coordinating fieldwork and reporting.*Rouse Hill WRP ACHAR and Historic
Assessment 2020 (Sydney Water) Project*
Manager responsible for coordinating fieldwork
and reporting.*Newell Highway Aerodrome SoHI 2020 (TfNSW)*
Project Manager responsible for coordinating
fieldwork and reporting.*Newell Highway Tap Hill SoHI 2020 (TfNSW)*
Project Manager responsible for coordinating
fieldwork and reporting.*Barton Highway Duplication Stage 2/3 PACHCI
2019 (RMS) Project Manager* responsible for
coordinating fieldwork and reporting.*Maxwell Coal Project ACHAR 2019 (Malabar
Coal).* Project Manager responsible for
coordinating fieldwork and reporting.*Maxwell Solar Farm ACHAR 2019 (Malabar
Coal).* Project Manager responsible for
coordinating fieldwork and reporting.*SWPGA ACHAR and AHIP (Sydney Water).*
Project Manager responsible for coordinating
fieldwork and reporting.*Bomen Solar Farm 2019 ACHAR and ACHMP
2019 (Beast Solutions).* Project Manager
responsible for coordinating fieldwork and
reporting.*Riverstone Scheduled Lands Stage A2 ACHAR,
AHIP & Salvage 2017-2019 (Landcom).* Project
Manager responsible for coordinating fieldwork
and reporting.*Archaeological Salvage of A7 2019 (Sydney
Water).* Project Manager responsible for
coordinating fieldwork and reporting.*North Richmond Infrastructure ACHAR and AHIP
2019 (Sydney Water).* Project Manager
responsible for coordinating fieldwork and
reporting.*Springdale Solar Farm 2018 ACHAR and
Historical Assessment (Renew Estate).* Project
Manager responsible for coordinating fieldwork
and reporting.**Heritage Related Professional History**

2009 - Present

AECOM

Archaeologist

2007- 2008

Heritage Concepts

Archaeologist

02-Feb-2018

Appendix B

RAP Responses to the ACHMP

Appendix B RAP Responses to the ACHMP

Oakes, Geordie

From: Phil Khan <philipkhan.acn@live.com.au>
Sent: Tuesday, 28 March 2023 12:35 PM
To: Oakes, Geordie
Subject: RE: Liddell Power Station Battery Energy Storage System - Draft Aboriginal Cultural Heritage Management Plan (ACHMP) Review

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Hi Geordie,

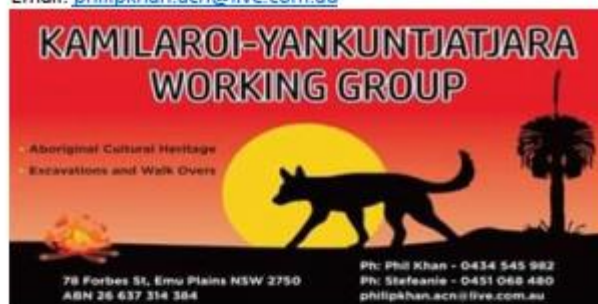
Thank you for sending through your DACHMP for Liddell Power Station Battery Energy Storage System, we would like to agree and support your report, I do recommend in addition to the induction training that an Aboriginal RAP monitor any excavation/earthworks. We look forward to working alongside you on this project.

Kind Regards

Phil Khan - Director

Ph: 0434545982

Email: philipkhan.acn@live.com.au



From: [Oakes, Geordie](#)
Sent: Friday, 24 February 2023 8:52 AM
To: [Oakes, Geordie](#)
Subject: Liddell Power Station Battery Energy Storage System - Draft Aboriginal Cultural Heritage Management Plan (ACHMP) Review

Dear RAP,

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

Please note that the closing date for comments is 25 March 2023.

All the best,

Oakes, Georgie

From: Ryan Johnson <murrabidgeemullangari@yahoo.com.au>
Sent: Tuesday, 7 March 2023 4:22 PM
To: Oakes, Georgie
Subject: Re: Liddell Power Station Battery Energy Storage System - Draft Aboriginal Cultural Heritage Management Plan (ACHMP) Review

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Report Suspicious

Hi Georgie

I have read the project information and management plan ACHMP for the above project, I endorse the recommendations made.

Thanks

Darleen Johnson

On 24 Feb 2023, at 8:53 am, Oakes, Georgie <Geordie.Oakes@aecom.com> wrote:

Dear RAP,

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

Please note that the closing date for comments is 25 March 2023.

All the best,

Geordie

Geordie Oakes
Principal Heritage Specialist
D +61 2 8934 0610 M 0410 513 509
Geordie.Oakes@aecom.com

AECOM
Level 21, 420 George Street, Sydney, NSW 2000
PO Box Q410, QVB PO, Sydney, NSW, 1230
T 0410 513 509 F +61 2 8934 0001
www.aecom.com

Please consider the environment before printing this email.

<60698503_Liddell - BESS_DftACHMP_2023_02_24.pdf>

Appendix C

Regulator Consultation

Appendix C Regulator Consultation



Vicki Brady
Manager, Environment – Energy Hubs
AGL Macquarie Pty Ltd
Email: VBrady@agl.com.au

Your reference: SSD-8889679-PA-15
Our reference: DOC23/416378

Dear Vicki,

**Aboriginal Cultural Heritage Management Plan – State Significant Development – Liddell
Battery and Baywater Ancillary Works: Liddell Power Station Battery
Energy Storage System – SSD-8889679-PA-15**

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

It is understood that the ACHMP encompasses the Liddell Power Station Battery Energy Storage System, covered by approved SSD-8889679. Heritage NSW has no further comments on the ACHMP and supports the recommendations and management strategies outlined in the ACHMP.

Please ensure that the ACHMP is updated to include mapping outlining where the various ACHMP's apply to different project boundaries for SSD-8889679 prior to submission to the Department of Planning and Environment.

Please note that the above comments relate only to Aboriginal cultural heritage regulation matters. If you have any questions regarding these comments, please contact Corey O'Driscoll, Senior Assessments Officer, at Heritage NSW on 6229 7079 and corey.odriscoll@environment.nsw.gov.au.

Yours sincerely

Sophie Butler

Sophie Butler

A/Manager Assessments
Heritage NSW
Department of Planning and Environment
(As Delegate under National Parks and Wildlife Act 1974)
Date: 9 June 2023

Locked Bag 5020 Parramatta NSW 2124 ■
P: 02 9873 8500 ■ E: heritagemailbox@environment.nsw.gov.au