



Our ref: DOC21/269992

Mr Jack Turner
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Energy Resource Assessments
Department of Planning, Industry and Environment
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Advice referred through the Major Project Portal

Dear Mr Turner

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

Thank you for your referral dated 8 April 2021, inviting advice from Heritage NSW (HNSW) on the Environmental Impact Statement (EIS) for the above State Significant Development (SSD) proposal.

In preparing the below advice, HNSW has reviewed the following documentation:

- *Liddell Battery and Bayswater Ancillary Works Project: Environmental Impact Statement (EIS)*, dated 27 March 2021, prepared by Jacobs Group (Australia) Pty Ltd
- *Liddell Battery and Bayswater Ancillary Works Project: Appendix F – Aboriginal Cultural Heritage Assessment Report (ACHAR)*, dated February 2021, prepared by Jacobs Group (Australia) Pty Ltd
- *SEARs for Liddell Battery and Bayswater Ancillary Works Project*, issued 23 September 2020

Further Aboriginal Cultural Heritage Assessment is required

HNSW has reviewed the ACHAR and notes that the potential impacts of the development on Aboriginal archaeological values have been assessed across the vast majority of the project area. HNSW also understands that the Muswellbrook area and wider Hunter Valley have been the subject of several broad Aboriginal cultural value studies (Umwelt 2010; ACHM 2016; ERM 2004), identifying this region as having cultural significance to the Aboriginal community.

Despite the known cultural context (acknowledged in Section 7 of the ACHAR), the ACHAR (Jacobs 2021) does not document the social or cultural values of the SSD approval area and/or Aboriginal sites that will be impacted (directly or indirectly) by the project, noting the ACHAR (2021:38) states “the assessed significance of individual sites...does not incorporate, at the time of writing, any input from RAPs on the cultural significance of individual sites”.

To adequately assess the Aboriginal cultural heritage significance of the land subject to the proposed development, HNSW recommends:

1. Further significance assessment should be undertaken to augment the current assessment of values and a comprehensive significance statement prepared. This must include an assessment of the social or cultural values of all sites which will be impacted by the project.

HNSW guidelines indicate that the findings from the assessment of significance should be integrated with the findings from the assessment of Aboriginal archaeology to support the harm mitigation strategies and management recommendations in the ACHAR. HNSW is of the view that where further assessment is recommended, this must be completed as part of the EIS rather than being deferred until post-approval. The significance assessment must be undertaken in consultation with the Registered Aboriginal Parties (RAPs) and the results of the values assessment incorporated into the statement of significance documented in the ACHAR.

Further Aboriginal community consultation should be undertaken, and documentation provided

HNSW have reviewed the supplied consultation documentation and recommend further consultation be undertaken and additional documentation be provided, as follows:

1. Further Aboriginal community consultation is required to be undertaken in relation to the assessment of significance in accordance with Stage 3 of the Consultation Requirements, as recommended in 1. above. Ensuring that the social or cultural values of the RAPs have been considered.
2. HNSW recommends that the ACHAR be updated to include additional documentation, clearly articulating how all stages of the Consultation Requirements have been addressed by the proponent.

A Cultural Heritage Management Plan should be prepared

The EIS and the ACHAR (Jacobs 2021) recommend that a Cultural Heritage Management Plan (CHMP) should be prepared for the development and include the methodologies proposed in the ACHAR (Jacobs 2021), for harm mitigation of identified Aboriginal sites and unanticipated finds located within the proposed disturbance footprint. The CHMP should also include provisions for the protection of Aboriginal sites to be indirectly impact by project related disturbance works within the vicinity of the SSD approval area.

A CHMP has not yet been prepared for the management of Aboriginal cultural values and sites for the proposed SSD. HNSW recommends:

3. A consent condition is created that requires an Aboriginal CHMP be prepared, prior to any ground disturbance works occurring within the project area. The CHMP must be

prepared in consultation with the RAPs and to the satisfaction of HNSW prior to implementation.

4. The CHMP must consider the findings of the additional assessment and consultation recommended in 1. above.
5. The CHMP must include appropriate procedures for the management and mitigation of Aboriginal sites and cultural values located within the project area.
6. The CHMP must include detailed information regarding management strategies for all identified Aboriginal sites as listed in table 10-1 of the ACHAR (Jacobs 2021), and any unknown Aboriginal objects to be either directly or indirectly impacted by project development works associated with the SSD proposal.
7. Provisions related to the temporary and long term management and curation of all salvaged Aboriginal objects from within the project area must be developed in consultation with the RAPs and included in the CHMP.
8. Management and mitigation measures as outlined in the CHMP must be implemented as per the recommendations in the EIS (Jacobs 2021), prior to the commencement of any ground disturbance works within the project area.

Please contact Rebecca Yit, Archaeologist at Heritage NSW, on 4927 3244 or rebecca.yit@environment.nsw.gov.au if you have any questions regarding this advice.

Yours sincerely



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Heritage NSW

Date: 5 May 2021