

Tallawarra Stage B Gas Turbine Power Station

Aboriginal Cultural Heritage
Management Plan

**EnergyAustralia Tallawarra
Pty Ltd**

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Abbreviations

Abbreviation	Meaning
ACHMP	Aboriginal Cultural Heritage Management Sub-Plan (this plan)
ADDA	Aboriginal heritage due diligence assessment
AHIMS	Aboriginal heritage information management system
CCGT	Combined cycle gas turbine
CEMP	Construction environmental management plan
CoA	Conditions of Approval to Major Project MP07-0124
DECCW	Department of Environment, Climate Change and Water
DPIE	Department of Planning, Industry and Environment
EA	Environmental Assessment (SKM, 2009)
EMS	Environmental management strategy
EP&A Act	Environment Planning and Assessment Act 1979
EPA	NSW Environment Protection Agency
EPL	Environment protection licence
ER	Environmental representative
EWMS	Environmental work method statements
GECL	GE Clough, engineering, procurement and construction contractor
HSSE	Health, safety, security and environment
ICOMOS	International Council on Monuments and Sites
ILALC	Illawarra Local Aboriginal Land Council
KEJ	Korewal Elouera Jerrungarugh Tribal Elders Aboriginal Corporation
kV	Kilovolts
LALC	Local Aboriginal Land Council
Mod-1	Modification 1 to Major Project MP07-0124
Mod-2	Modification 2 to Major Project MP07-0124
MW	Megawatts
NIAC	Northern Illawarra Aboriginal Collective
OEH	Office of Environment and Heritage
OCGT	Open cycle gas turbine
PAD	Potential archaeological deposit
SoC	Statement of Commitments within the Environmental Assessment and Submissions Report (SKM, 2009/2010)
WWCAC	Wadi Wadi Coomaditchie Aboriginal Corporation
WVEC	Wodi Wodi Elders Corporation

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1 Introduction

1.1 Document structure

The Tallawarra B open cycle gas turbine power station project (the Project) Environmental Management Strategy (EMS) provides the overarching strategic environmental management framework for the delivery (design, construction and operation) of the Project.

Within the management framework provided by the EMS, a Construction Environment Management Plan (CEMP) has been developed by EnergyAustralia to provide a system of environmental management for the construction phase of the project. The CEMP includes procedures, policies, and processes to establish and maintain project compliance and best practice controls. Its implementation will ensure that potential environmental impacts are managed during the construction of the Project. The CEMP is structured to include a range of aspect specific management sub-plans, including this document, to translate the corresponding environmental management requirements, commitments, and conditions of approval into an actionable construction management plan.

This Aboriginal Cultural Heritage Management Sub-Plan (ACHMP) has been prepared to supplement the CEMP. It is to be read in conjunction with the EMS and CEMP. This ACHMP must be used to inform the development of activity specific Environmental Work Method Statement (EWMS).

This ACHMP is required to be implemented by EnergyAustralia and contractors that undertake construction work on the project.

1.2 Location and land use

The Project is located at Yallah Bay Road, Yallah approximately 13 km south of Wollongong and 60 km south of Sydney. The site was previously used for a coal-fired power station, which was decommissioned in 1989. The Project will be constructed immediately adjacent to the existing Tallawarra A combined cycle gas turbine power station. As a result of its previous uses, the majority of the land surrounding the Project site (Tallawarra Lands) is vacant and has been cleared of vegetation. Currently, cattle grazing and other rural activities constitute the primary land use beyond the power station site boundary.

1.3 Tallawarra A power station

The Project is located at Yallah Bay Road, Yallah approximately 13 km south of Wollongong and 60 km south of Sydney. The site of the Project (the site) was previously used for a coal-fired power station, which was decommissioned in 1989. The Project will be constructed immediately adjacent to the existing Tallawarra A closed cycle gas turbine power station. As a result of its previous uses, the majority of the land surrounding the Project site (Tallawarra Lands) is vacant and has been cleared of vegetation. Currently, cattle grazing and other rural activities constitute the primary land use beyond the power station site boundary.

1.4 Objectives

The objectives of this ACHMP are to:

- Comply with statutory planning approvals and licences
- Avoid impacts to known Aboriginal cultural heritage sites or objects
- Avoid impacts to previously unidentified Aboriginal cultural heritage sites or objects
- Appropriately train personnel and contractors in Aboriginal cultural heritage management obligations.

Objectives, targets, and details of how they will be achieved through the ACHMP are identified below in Table 1-1.

Table 1-1: ACHMP performance objectives and targets

item	Objective	Targets	Measurement tool
Construction compliance	Comply with statutory planning approvals and licences	No non-compliances with approval or licence conditions	Safeguards and management measures – Section 5 Audits – Section 7.6 Construction compliance reporting – CEMP Section 13 Management reviews – CEMP Section 14
Avoiding impacts – known	Avoid impacts to known Aboriginal cultural heritage sites or objects	No impacts to known Aboriginal heritage sites or objects	Safeguards and management measures – Section 5 Audits – Section 7.6 Construction compliance reporting – CEMP Section 13 Management reviews – CEMP Section 13 and 14
Avoiding impacts - unknown	Avoid impacts to previously unidentified Aboriginal cultural heritage sites or objects	Appropriate interactions with previously unidentified Aboriginal heritage sites or objects	Safeguards and management measures – Section 5 Audits – Section 7.6 Construction compliance reporting – CEMP Section 13 Management reviews – CEMP Section 14
Training	Appropriately train all site personnel in Aboriginal cultural heritage management obligations	All site personnel have undertaken Aboriginal cultural heritage awareness training	Safeguards and management measures – Section 5 Audits – Section 7.6 Construction compliance reporting – CEMP Section 13 Management reviews – CEMP Section 14

2 Relevant legislation and guidelines

2.1 Relevant legislation

The relevant legislation addressed in this ACHMP include:

- *Environmental Planning and Assessment Act 1979 (EP&A Act).*
- *Environment Protection and Biodiversity Conservation (EPBC) Act 1999*
- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*
- *Protection of the Environment Operations Act 1997*
- *National Parks and Wildlife (NPW) Act 1974*
- *NSW Aboriginal Land Rights Act 1983*
- *NSW Heritage Act 1977*
- *Coroners Act 2009.*

A responsibility table for addressing approvals, licenses, and permits required for the Project is provided in the EMS Appendix G.

2.2 Guidelines and policies

The guidelines and policies addressed in this ACHMP include:

- Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW (DECCW, 2010)
- Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW (DECCW 2010)
- Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH, 2011).
- NSW Government's Aboriginal Participation in Construction Guidelines (2007).
- Aboriginal Cultural Heritage Consultation Requirements for Proponents (DECCW 2010)
- The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance (ICOMOS, 1999)
- Guidelines for the Management of Human Skeletal Remains under the Heritage Act 1977 (OEH, 2008).

2.3 Conditions of approval

The conditions of approval specifically relating to this ACHMP are provided in Table 2-1 along with the responsibility for compliance. Where these conditions translate into an environmental safeguard or management measure, Table 2-1 indicates where in this ACHMP (or other management plan) the condition is addressed.

Table 2-1. Conditions of approval relevant to the ACHMP

CoA #	Condition Requirement	Responsibility	Where addressed
3.54	The Proponent shall take all reasonable and feasible measures to avoid the sites known as Yallah Gully 1 (National Parks and Wildlife Services Site ID 52-5- 0248), Yallah Gully 2 (National Parks and Wildlife Services Site ID 52-5- 0247), Yallah Gully 3 (National Parks and Wildlife Services Site ID 52-5- 0246), and Yallah Site 2 (National Parks and Wildlife Services Site ID 52-5- 0122) during the construction of the project and develop site-specific mitigation measures to ensure that they are not impacted by construction or operation of the power station and any associated infrastructure. If impacts are unavoidable, mitigation measures are to be negotiated with the Aboriginal community and Heritage NSW.	<ul style="list-style-type: none"> ■ HSSE Lead ■ 	<ul style="list-style-type: none"> ■ Section 5
3.55	If during the course of construction or operation of the project the Proponent uncovers any previously unidentified Aboriginal cultural objects, all works likely to affect the object(s) shall cease in the immediate area to prevent any further impact to the find(s) and Heritage NSW informed. A suitably qualified archaeologist and Aboriginal community representatives shall be contacted to determine the significance of the find(s) and appropriate management measures. The Proponent shall register the site and management outcome in the Aboriginal Heritage Information Management System (AHIMS) in accordance with the <i>National Parks and Wildlife Act 1974</i> . Works are not to resume until approval in writing is received from Heritage NSW	<ul style="list-style-type: none"> ■ HSSE Lead ■ Contractor 	<ul style="list-style-type: none"> ■ Section 5 ■ Appendix B
3.56	Where ground disturbance is proposed (for example excavation or removal of vegetation) in the vicinity of Yallah Creek, prior to commencing construction, the Proponent shall undertake further archaeological surveying and assessment with the aim of identifying any Aboriginal Cultural Heritage values which may be impacted by the project. The Proponent shall ensure monitoring by Local Aboriginal Land Council representatives during such works.	<ul style="list-style-type: none"> ■ HSSE Lead ■ 	<ul style="list-style-type: none"> ■ Niche (2021) ■ Section 5 ■ Appendix B
5.1 and Appendix 1	The Secretary must be notified in writing via the Major Projects website immediately after the Proponent 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. Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Appendix 1 [of the major project approval].	<ul style="list-style-type: none"> ■ HSSE Lead ■ Contractor 	<ul style="list-style-type: none"> ■ Section 7.7 ■ Appendix C
7.2 (d)	The CEMP ... shall include... electricity transmission route alignment sheets identifying the exact location of the proposed transmission lines and the location of any threatened species, threatened species habitat and Aboriginal objects in the vicinity;	<ul style="list-style-type: none"> ■ HSSE Lead ■ Contractor 	<ul style="list-style-type: none"> ■ Figure 3-1 ■ Section 5

CoA #	Condition Requirement	Responsibility	Where addressed
7.3 (e)	<p>As part of the CEMP for the project, required under condition 7.2 of this approval, the Proponent shall prepare and implement the following:</p> <p>(e) Aboriginal Cultural Heritage Management Plan to manage potential Aboriginal cultural heritage impacts during construction in consultation with Heritage NSW. The Plan shall include, but not necessarily be limited to:</p> <ol style="list-style-type: none"> i. procedures for the management of any recorded sites within the project area including those required under condition 3.54 of this approval, ii. an Aboriginal Cultural Education Program for the induction of personnel and contractors involved in the construction of the project, iii. details of proposed further archaeological investigations and/or salvage projects prior to impact as required under condition 3.56 of this approval, iv. identification and management of previously unrecorded sites, v. details of an appropriate keeping place agreement with local Aboriginal community representatives for any Aboriginal objects salvaged through the development process, and vi. procedures for ongoing Aboriginal consultation and involvement. 	<ul style="list-style-type: none"> ■ HSSE Lead ■ Contractor 	<ul style="list-style-type: none"> ■ CEMP ■ This ACHMP ■ Section 5 ■ Section 5 ■ Section 3 & 5 ■ Section 3, 5 and Appendix B ■ Section 5 and Appendix B ■ Section 5
7.7	<p>Within 3 months, unless the Secretary agrees otherwise, of:</p> <ol style="list-style-type: none"> a) the submission of an incident report under condition 5.1 of this approval; b) the submission of an Independent Environmental Audit report under condition 5.11 of this approval; c) the approval of any modification to the conditions of this approval; or d) a direction from the Secretary under condition 1.3 of this approval; <p>the Proponent must review and, if necessary, revise the studies, strategies or plans required under the conditions of approval to the satisfaction of the Secretary.</p> <p>Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted to the Secretary for approval, unless otherwise agreed with the Secretary.</p>	<ul style="list-style-type: none"> ■ HSSE Lead 	<ul style="list-style-type: none"> ■ Section 7.8

3 Aspects and impacts

3.1 Previous Aboriginal cultural heritage studies

Several previous Aboriginal cultural heritage studies and investigations have been undertaken encompassing the project area. These have included studies for the Tallawarra A power station, the approvals phases for the Tallawarra B power station, and various other studies that have included the Project area within their study areas.

Analysis of the previous studies indicate that important Aboriginal cultural heritage sites and values are present in the Illawarra region, the broader Tallawarra Lands area and in parts of the Project area.

Of these previous studies, the most recent and most Project-specific was Niche (2021) who conducted an Aboriginal Heritage Due Diligence Assessment (ADDA) specifically for the Tallawarra B Power Station Project. Details of Niche (2021) are discussed in Section 3.4.

3.2 Previous Aboriginal cultural heritage consultation

Several of these previous studies outlined in Section 3.1 included consultation with Aboriginal stakeholders, however no Aboriginal stakeholder consultation was undertaken for the Tallawarra B Environmental Assessment (SKM, 2009). The most recent study that included Aboriginal stakeholder consultation was Niche (2021) which included consultation with the Illawarra Local Aboriginal Land Council (ILALC) and participation in the site survey.

Prior to Niche (2021), the most meaningful Aboriginal stakeholder consultation addressing the Project area undertaken was by *Kelleher Nightingale Consulting, (2006) Tallawarra Lands Local Environmental Study, Aboriginal Cultural Heritage Assessment, Report to Willana Associates, Report number 6001*.

During the Kelleher Nightingale Consulting (2006) study five Aboriginal groups registered an interest in the Project area. Consultation was undertaken with these Aboriginal groups through phone discussions, meetings on site and at Dapto and during a site walkover. The Aboriginal groups that have identified an interest in the Project area are:

- Illawarra Local Aboriginal Land Council (ILALC)
- Korewal Elouera Jerrungarugh Tribal Elders Aboriginal Corporation (KEJ)
- Wodi Wodi Elders Corporation (WWEC)
- Wadi Wadi Coomaditchie Aboriginal Corporation (WWCAC)
- Northern Illawarra Aboriginal Collective (NIAC) (Kelleher Nightingale Consulting, 2006).

3.3 Known Aboriginal heritage sites and objects

A search of the Aboriginal Heritage Information Management System (AHIMS) database was conducted on 24 May 2021 (AHIMS Client Service ID #593138) and is detailed in Niche (2021). There are six AHIMS sites located near or within the Project site (refer to Table 3-1, Figure 3-1 and the Project GeoPortal). Additional AHIMS sites have been recorded further from the Proposal area and these are also shown in Figure 3-1, however these sites are a substantial distance from the Project and will not be impacted by any Project activities.

Three of the AHIMS sites are located within the project boundary, and three AHIMS sites are located just outside the northern project boundary (Niche, 2021). The details of these AHIMS records are summarised in Table 3-1.

Table 3-1: AHIMS record of Aboriginal sites or items within or close to study area

AHIMS #	Location	Site Name	Site Type	Management approach (refer to Section 5)
52-5-0122	Within the project boundary	Yallah Site 2	Open camp site	Exclusion fencing and signage
52-5-0246	Within the project boundary	Yallah Gully 3	Midden and open camp site	Exclusion fencing and signage
52-5-0247	North of the project boundary	Yallah Gully 2	Open camp site	No works proposed north of Project boundary
52-5-0248	North of the project boundary	Yallah Gully 1	Open camp site	No works proposed north of Project boundary
52-5-0516*	Within the project boundary	Tallawarra Canal Midden 1	PAD / midden	Exclusion fencing and signage
52-5-0612	North of the project boundary	TLPD AFT-6	Isolated find	No works proposed north of Project boundary

* Identified recently and therefore does not appear in previous reports, including the Project's EA (SKM, 2009) And Consolidated Project Approval (2020).

3.4 Niche (2021) ADDA

Given the duration between the project environmental assessment, as a matter of due diligence and to comply with Condition of Approval 3.56 EnergyAustralia has prepared an updated Aboriginal cultural heritage study, Niche (2021). Niche (2021) has been prepared to specifically consider the full potential scope of works for the current design of the Tallawarra B Power Station Project.

Niche (2021) considered the outcomes of the previous Aboriginal cultural heritage studies. It provides the most appropriate current guidance for known Aboriginal cultural heritage constraints (Figure 3-1) and management approaches (Table 5-1).

Niche (2021) included consultation with and a site walkover with a representative of the Illawarra Local Aboriginal Land Council.

The assessment concluded that in some Project areas it is unlikely that Aboriginal objects have survived due to the high levels of previous disturbance and previous modification of the ground surface. These areas are considered to have low archaeological sensitivity.

The assessment also concluded that some Project areas have moderate or high potential archaeological sensitivity. These areas of moderate and high archaeological sensitivity are shown in Figure 3-2 and the Project GeoPortal.

Figure 6 in Niche (2021), reproduced in the Cultural Heritage Monitoring Protocol (Appendix B) contains proposed works under the Project Scope. Since the report was issued, the tower removal and switchyard access road proposed works have been removed from the Project Scope and will not be undertaken as Project activities.

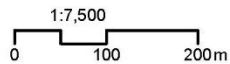


Legend

- Power Station Lot boundary
- AHIMS sites

Source: Aurecon, EA, NSW Spatial Services, ESRI, nearmap

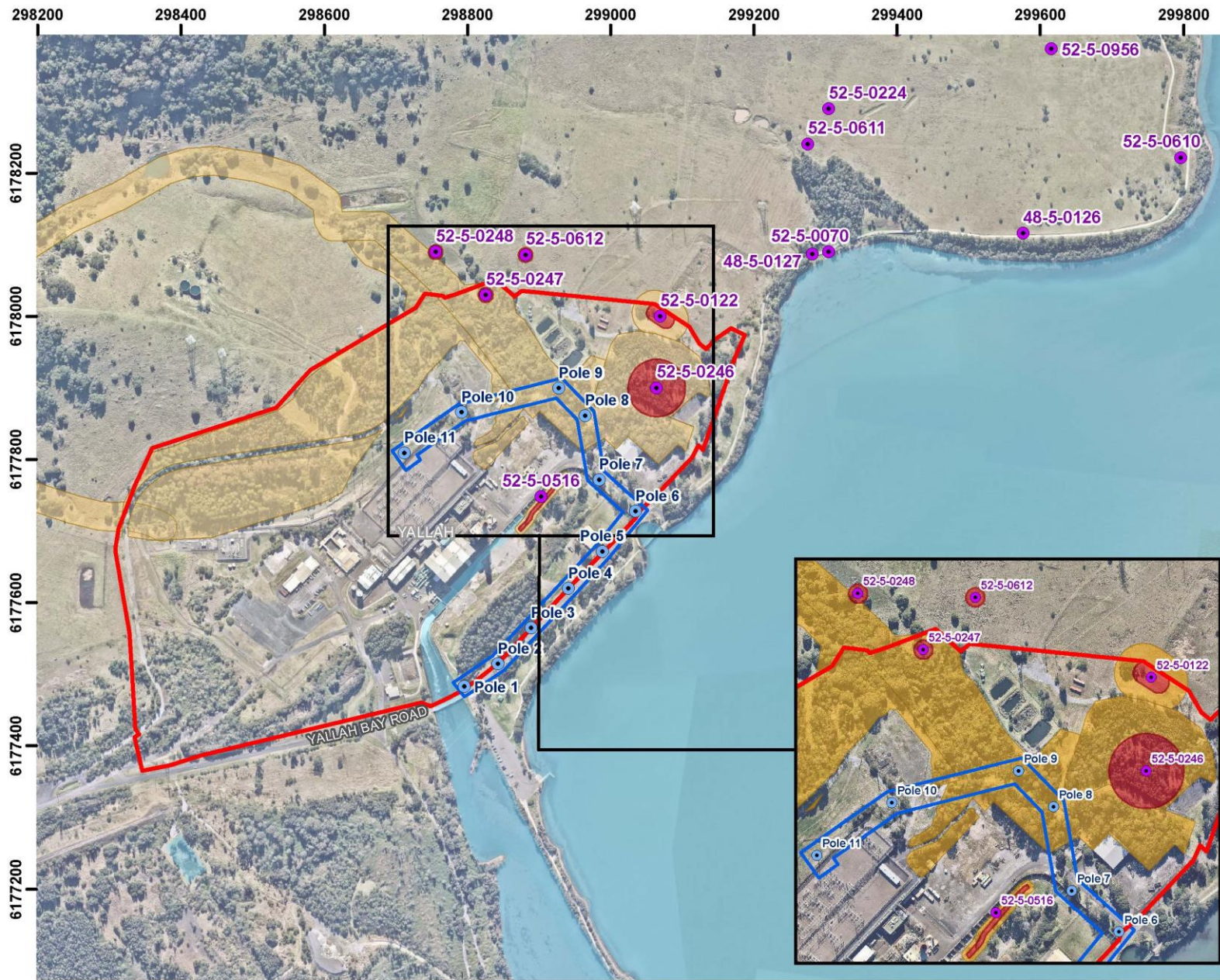
P:\GIS\Project-4\project504666_EA_Tallawarra_B\504666_ENV_Management_Fig_3-1_AHIMS record of Aboriginal sites.mxd\JOB No.11-12-21\Bridie.Jackson\Rev 0



Projection: GDA 1994 MGA Zone 56

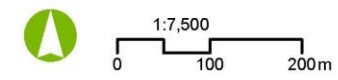
Tallawarra B Power Station

FIGURE 3.1: AHIMS record of Aboriginal sites or items within or close to study area



- Legend**
- Power Station Lot boundary
 - AHIMS sites
 - Archaeological sensitivity zone - High
 - Archaeological sensitivity zone - Moderate
 - Proposed pole locations
 - Transmission Alignment

Source: Aurecon, EA, NSW Spatial Services, ESRI, Nearmap



Projection: GDA 1994 MGA Zone 56

Tallawarra B Power Station

FIGURE 3.2: Aboriginal heritage constraints

3.5 Aboriginal heritage potential impacts

Potential Aboriginal cultural heritage impacts from the Project may include disturbance or damage to previously unrecorded or unknown Aboriginal cultural heritage objects during soil disturbing activities such as the movement and placement of plant and equipment, clearing and grubbing of vegetation, excavation activities or site preparation works.

All areas on site are subject to potential for unanticipated finds of previously unrecorded or unknown Aboriginal cultural heritage objects. Niche (2021) identifies specific areas with low, moderate, and high potential archaeological sensitivity (Figure 3-2).

3.5.1 Low archaeological sensitivity areas and activities

The majority of the Project area is described as having low archaeological sensitivity (Niche 2021). Areas that have been previously disturbed generally have low Aboriginal cultural heritage potential archaeological sensitivity. These areas will be subject to a variety of construction activities to develop temporary and permanent works, including soil disturbing activities.

Unanticipated finds protocols (Section 7.4 and 7.5) have been established to manage previously unrecorded or unknown Aboriginal cultural heritage objects that are found in areas of low archaeological sensitivity.

3.5.2 Moderate archaeological sensitivity areas and activities

Undisturbed or moderately disturbed Project areas located generally north of the switchyard and generally to the east of the Project area, including within the Yallah Creek riparian areas are considered to have moderate archaeological sensitivity (Niche, 2021). These areas are shown in Figure 3-2. Soil disturbing activities that will be undertaken in these areas will include construction of new transmission line towers and potentially other works subject to final design requirements.

Soil disturbing works undertaken within areas classified as having moderate archaeological sensitivity will be undertaken in accordance with the Cultural Heritage Monitoring Protocol (Appendix B).

3.5.3 High archaeological sensitivity areas and activities

Areas close to existing known AHIMS sites are identified as having high archaeological sensitivity (Niche, 2021). These areas will be avoided during construction. No construction activities or soil disturbance associated with the Project is proposed occur in these areas.

Where existing AHIMS sites are located close to proposed project works, exclusion fencing will be established at buffers identified in Section 5, and signage will be established to prevent access.

Section 5 details these safeguards and management measures.

3.6 Project GeoPortal and sensitive area maps

The Project's environmentally sensitive areas are identified and visually displayed in the project GeoPortal. The [GeoPortal](#) is a web-based geospatial mapping tool that digitally identifies site environmentally sensitive areas and key project features and ancillary facilities. Works must consider avoidance, management and/or mitigation of these environmentally sensitive areas.

For avoidance and management of potential Aboriginal heritage impacts, the GeoPortal includes the Aboriginal cultural heritage archaeological sensitivity zones as defined by Niche (2021) and the AHIMS sites in the vicinity of the project. The proposed transmission route alignment, location of proposed transmission lines and their proximity to Aboriginal objects in the vicinity has been incorporated within the GeoPortal to comply with CoA 7.2(d).

The safeguards identified in Section 5 for Aboriginal heritage must be addressed with reference to the risk zones and known Aboriginal heritage sites.

4 Roles and responsibilities

Project personnel roles and responsibilities are described in Section 8 of the CEMP. Responsibilities for the implementation of specific environmental mitigation measures are indicated in Section 5.

5 Environmental safeguards and management measures

The Project environmental safeguards and management measures are consolidated in Table 5-1.

5.1 Conditions of approval

The conditions of approval specifically relating to this ACHMP are provided in Table 2-1 along with the responsibility for compliance. Where these conditions translate into an environmental safeguard or management measure, they are included in Table 5-1.

5.2 Statement of commitments

The Environmental Assessment Statement of Commitments (EA, 2009) provides the mitigation measures and safeguards that have been developed to manage potential environmental impacts associated with the Project. The Environmental Assessment Statement of Commitments specifically applicable to this ACHMP are addressed in Table 5-1.

The Submissions Report Statement of Commitments (EA, 2010) modified and augmented several of the Environmental Assessment Statement of Commitments. None of the Submissions Report Statement of Commitments relate to the management of potential Aboriginal cultural heritage impacts.

5.3 Project modifications

No commitments relevant to the management of potential Aboriginal cultural heritage impacts have been made in Modification 1, Modification 2, submissions reports associated with these modifications, or technical specialist studies that prepared to support the modification applications.

5.4 Environmental protection licence

No licence conditions relevant to the management of potential Aboriginal cultural heritage potential impacts are required by the environmental protection licence (EPL).

5.5 Niche (2021) ADDA

Specific recommendations in Niche (2021) associated with a requirement for further Aboriginal heritage assessment are superseded by the requirements of the Cultural Heritage Monitoring Protocol (Appendix B) as agreed in consultation with Heritage NSW (refer to Appendix A).

The Aboriginal Heritage Study (Niche 2021) was undertaken in consultation with the Local Aboriginal Land Council. The carrying out of further archaeological investigations and/or salvage of Aboriginal cultural heritage material is proposed to be undertaken via the process of Aboriginal heritage monitoring. The Niche (2021) study, the Cultural Heritage Monitoring Protocol (Appendix B), and Aboriginal heritage monitoring management measures (Table 5-1) have been undertaken and developed to comply with the requirements of CoA 3.56.

Table 5-1: ACHMP safeguards and management measures

ID	Objective	Action	Timing	Responsibility	Evidence	Reference
1.	Protection of recorded Aboriginal cultural heritage items	<p>The location of all existing Aboriginal heritage sites and areas within the Project area depicted as having high archaeological sensitivity in Niche (2021) will be protected with suitable buffers and will be physically marked to prevent construction access. This includes a fence preventing physical access during construction that must be erected around the following Aboriginal heritage items:</p> <ul style="list-style-type: none"> Yallah Gully 3 (NPWS Site ID 52-5-0246): A 30m x 30m fence around the site to prevent unauthorised access (Niche, 2021) Yallah Site 2 (NPWS Site ID 52-5-0122): A 10 m buffer fence around the site, in place before commencing the removal of Transmission Tower 782738 (Niche, 2021) Tallawarra Canal Midden 1 (NPWS Site ID 52-5-0516): A 10 m buffer fence around the site where possible (the canal provides a north-western boundary already), in place before construction begins (Niche, 2021) 	<ul style="list-style-type: none"> Preconstruction Construction 	<ul style="list-style-type: none"> HSSE Lead 	<ul style="list-style-type: none"> Audits Induction 	<ul style="list-style-type: none"> CoA 3.54 Niche (2021) Statement of Commitments (SKM, 2009)
2.	Protection of recorded Aboriginal cultural heritage items	<p>Prior to any works undertaken north of the Project area boundary a fence preventing physical access during construction must be erected around the following Aboriginal heritage items:</p> <ul style="list-style-type: none"> Yallah Gully 1 (NPWS Site ID 52-5-0248) Yallah Gully 2 (NPWS Site ID 52-5-0247) TLPD AFT-6 (NPWS Site ID 52-5-0612). <p>If impacts to any of these sites are unavoidable, mitigation measures must be negotiated with the Aboriginal community and Heritage NSW.</p>	<ul style="list-style-type: none"> Preconstruction Construction 	<ul style="list-style-type: none"> HSSE Lead 	<ul style="list-style-type: none"> Audits Induction 	<ul style="list-style-type: none"> CoA 3.54 Niche (2021) Statement of Commitments (SKM, 2009)
3.	Identifying Aboriginal cultural heritage values	<p>Prior to commencing construction in the vicinity of Yallah Creek an archaeological survey and assessment must be undertaken to identify any Aboriginal cultural heritage values with monitoring by Local Aboriginal Land Council representatives.</p>	<ul style="list-style-type: none"> Preconstruction 	<ul style="list-style-type: none"> HSSE Lead 	<ul style="list-style-type: none"> Aboriginal heritage study 	<ul style="list-style-type: none"> Niche (2021)
4.	Protection of recorded Aboriginal cultural heritage items	<p>All soil disturbing activities undertaken in areas depicted as having moderate archaeological sensitivity (Niche, 2021) must be undertaken in</p>	<ul style="list-style-type: none"> Preconstruction 	<ul style="list-style-type: none"> HSSE Lead Contractor 	<ul style="list-style-type: none"> Audits EWMS 	<ul style="list-style-type: none"> CoA 3.55 CoA 3.56

ID	Objective	Action	Timing	Responsibility	Evidence	Reference
		accordance with ACHMP Appendix B: Cultural Heritage Monitoring Protocol.			<ul style="list-style-type: none"> Archaeological spreadsheet 	<ul style="list-style-type: none"> Niche (2021) Heritage NSW consultation CoA 7.3(e) Statement of Commitments (SKM, 2009)
5.	Protection of recorded Aboriginal cultural heritage items	Transmission line poles will be designed and constructed to avoid and minimise impacts on, or disturbance to, Aboriginal cultural heritage sites.	<ul style="list-style-type: none"> Preconstruction Construction 	<ul style="list-style-type: none"> HSSE Lead Contractor 	<ul style="list-style-type: none"> Transmission line design report Audits EWMS Archaeological spreadsheet 	<ul style="list-style-type: none"> Statement of Commitments (SKM, 2009) Niche (2021)
6.	Protection of recorded Aboriginal cultural heritage items	Construction works that disturb soils within areas identified as having low archaeological significance in Niche (2021) will be undertaken in accordance with the Unanticipated Finds Protocol (ACHMP, Section 7).	<ul style="list-style-type: none"> Preconstruction Construction 	<ul style="list-style-type: none"> HSSE Lead Contractor 	<ul style="list-style-type: none"> Audits EWMS 	<ul style="list-style-type: none"> CoA 7.3 (e)
7.	Protection of previously unidentified Aboriginal cultural heritage items	If an item (or suspected item) of Aboriginal heritage is discovered during construction, Heritage NSW will be informed and further investigation will be undertaken by an archaeologist before recommencement of work as directed by the Unanticipated Finds Protocol (ACHMP, Section 7), or the Cultural Heritage Monitoring Protocol (ACHMP, Appendix B).	<ul style="list-style-type: none"> Construction 	<ul style="list-style-type: none"> HSSE Lead Contractor 	<ul style="list-style-type: none"> Archaeological spreadsheet 	<ul style="list-style-type: none"> CoA 3.55 Statement of Commitments (SKM, 2009) CoA 7.3(e)
8.	Protection of previously unidentified Aboriginal cultural heritage items	There is to be no salvage (collection or keeping) of any Aboriginal objects found during construction unless authorised in writing by Heritage NSW. Any Aboriginal Cultural Heritage objects found must be managed in accordance with the Unanticipated Finds Protocol (ACHMP, Section 7), or the Cultural Heritage Monitoring Protocol (ACHMP, Appendix B).	<ul style="list-style-type: none"> Construction 	<ul style="list-style-type: none"> HSSE Lead Contractor 	<ul style="list-style-type: none"> Archaeological spreadsheet 	<ul style="list-style-type: none"> CoA 3.55 CoA 7.3(e)
9.	Training	All construction personnel will be inducted on the potential to find previously unrecorded Aboriginal cultural heritage items, the	<ul style="list-style-type: none"> Preconstruction 	<ul style="list-style-type: none"> HSSE Lead Contractor 	<ul style="list-style-type: none"> Induction records 	<ul style="list-style-type: none"> Statement of Commitments (SKM, 2009)

ID	Objective	Action	Timing	Responsibility	Evidence	Reference
		Unanticipated Finds Protocol (ACHMP, Section 7), and the Cultural Heritage Monitoring Protocol (ACHMP, Appendix B).				
10.	Training	An Aboriginal Cultural Education Program is required as part of the induction of personnel and contractors involved in the construction of the project. As part of the Aboriginal Cultural Education Program all construction personnel must be made aware of their responsibilities and obligations under the <i>National Parks and Wildlife Act 1974</i> .	<ul style="list-style-type: none"> ■ Preconstruction ■ Construction 	<ul style="list-style-type: none"> ■ HSSE Lead ■ Contractor 	<ul style="list-style-type: none"> ■ Induction records 	<ul style="list-style-type: none"> ■ CoA 7.3 (e) ■ Statement of Commitments (SKM, 2009)

6 Monitoring

Monitoring, measurement, analysis and evaluation for the project is detailed and maintained as part of the EMS, Section 7. Specific monitoring requirements that apply to this ACHMP are provide in Table 6-1.

Table 6-1. ACHMP monitoring requirements

Type	Purpose	Frequency	Responsibility
Cultural heritage	<p>To provide for Aboriginal heritage monitoring to comply with Condition of approval 3.56:</p> <p><i>“Where ground disturbance is proposed (for example excavation or removal of vegetation) in the vicinity of Yallah Creek, prior to commencing construction, the Proponent shall undertake further archaeological surveying and assessment with the aim of identifying any Aboriginal Cultural Heritage values which may be impacted by the project. The Proponent shall ensure monitoring by Local Aboriginal Land Council representatives during such works.”</i></p>	As dictated by relevant ground disturbance activities in areas identified as having moderate archaeological sensitivity (Niche 2021)	<ul style="list-style-type: none"> ■ HSSE Lead

Regular inspections are a requirement of the CEMP (Section 12). Regular inspections are to include consideration of:

- The quality and completeness of site induction content to address the requirements of an Aboriginal Cultural Education Program
- Establishment and maintenance of fencing and exclusion areas around Aboriginal heritage sites
- The correct application of the Unanticipated Finds Protocol (ACHMP, Section 7)
- The correct application of the Cultural Heritage Monitoring Protocol (ACHMP, Appendix B).

7 Compliance management

7.1 Communication

Communication shall be undertaken as outlined in the EMS Section 6. Stakeholder and community engagement have been a key tenant of the project to date. This has included an initial program of stakeholder engagement initiatives, alongside targeted site investigations to understand the specific cultural risks associated with development of the project.

All works associated with the Project will ensure that Aboriginal groups and stakeholders will be proactively engaged and consulted with. The principal outcome is to ensure stakeholders feel appropriately informed of plans and actions prior to them occurring and have confidence in EnergyAustralia's management approach.

7.2 Consultation

Consultation is currently being undertaken on the Cultural Heritage Monitoring Protocol (Appendix B) with the Aboriginal stakeholders that have previously registered an interest in the Project area. The consultation process will be finalised prior to the commencement of construction. The Aboriginal groups being consulted on the Cultural Heritage Monitoring Protocol (Appendix B) are:

- Illawarra Local Aboriginal Land Council (ILALC)
- Korewal Elouera Jerrungarugh Tribal Elders Aboriginal Corporation (KEJ)
- Wodi Wodi Elders Corporation (WWEC)
- Wadi Wadi Coomaditchie Aboriginal Corporation (WWCAC)
- Northern Illawarra Aboriginal Collective (NIAC).

During construction, requirements for ongoing consultation with Aboriginal stakeholders, agencies or Public Authorities where relevant to the ACHMP are summarised in Table 7-1.

Table 7-1. ACHMP ongoing consultation

Agency	Purpose of consultation
Aboriginal stakeholders	<ul style="list-style-type: none">■ In undertaking recently completed Aboriginal heritage investigations (Niche 2021).■ If required by the unexpected finds procedure (Section 7.4)■ If undertaking works in areas not already adequately assessed for Aboriginal cultural heritage values■ If required for cultural heritage monitoring in accordance with Section 6.
NSW Heritage	<ul style="list-style-type: none">■ To comply with condition of approval 3.54, 3.55 and 7.3 (e).
DPIE	<ul style="list-style-type: none">■ If required by the unexpected finds protocol (Section 7.4)
NSW Police	<ul style="list-style-type: none">■ If required by the unexpected finds protocol - human remains (Section 7.5)■ If required by the Cultural Heritage Monitoring Protocol (Appendix B)

Appendix A contains a detailed agency consultation log for consultation undertaken prior to construction.

7.3 Training and competency

All project personnel are required to undergo site induction training which incorporates instruction and guidance on ACHMP measures in accordance with Section 9 of the CEMP.

As per CoA 7.3 (e) an Aboriginal Cultural Education Program will be delivered for the induction of personnel and contractors involved in the construction of the project. The following items will be discussed in the site induction:

- The location and extent of all known Aboriginal heritage areas on site and the archaeological sensitivity of areas in which they will be working
- Obligations under the NPW Act and under the approved ACHMP (including protocols)
- The arrangements that are in place to protect known Aboriginal cultural heritage sites (exclusion fencing, signs etc)
- Unanticipated Finds Protocol (ACHMP, Section 7), and the Cultural Heritage Monitoring Protocol (ACHMP, Appendix B).

7.4 Unanticipated finds protocol

In accordance with Condition of Approval 3.55, if suspected Aboriginal cultural heritage items are uncovered during the project in areas of low archaeological sensitivity (Niche 2021), the steps in Figure 7-1 must be followed.

These protocols will be included within the site induction training.

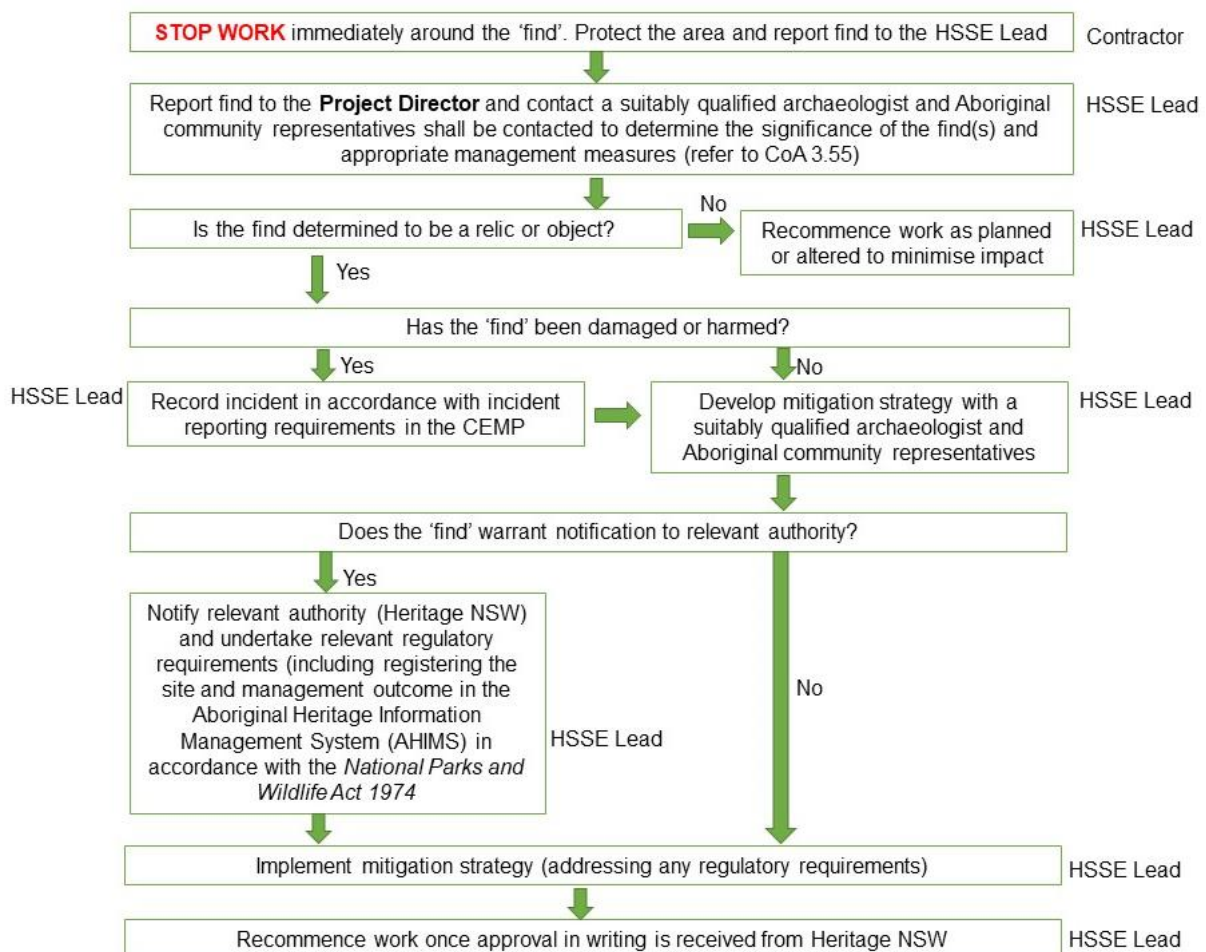


Figure 7-1: Unanticipated finds procedure: Suspected Aboriginal cultural heritage items

7.5 Unanticipated finds protocol – human remains

If suspected human remains are uncovered during the project, the steps in Figure 7-2 must be actioned.

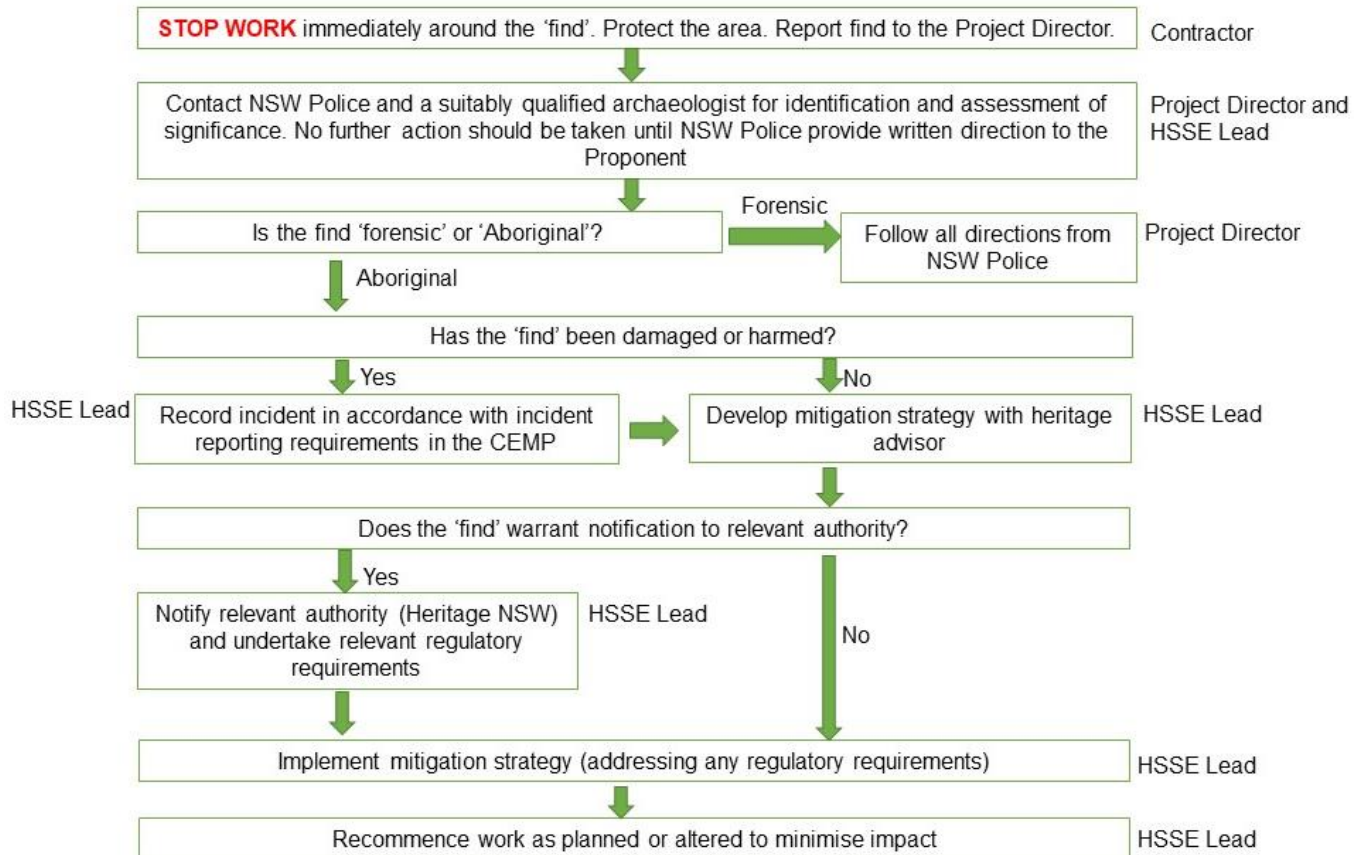


Figure 7-2: Unanticipated finds procedure: Human remains

7.6 Auditing, compliance reporting and non-conformances

Regular audits will be completed by EnergyAustralia to assess the Contractor's adherence to the ACHMP requirements and mitigation measures, to identify any issues of noncompliance, and to confirm licence conditions are being met.

EnergyAustralia has engaged an approved independent auditor to undertake independent audits in accordance with the Independent Audit Post Approval Requirements (DPIE, 2020). Further information on the independent auditing schedule and requirements is found in the EMS Section 7.2.

Weekly inspections of the Project Works within the Scope of Works will be undertaken by the contractor. Weekly inspections will include the assessment and maintenance (where needed) of safeguards and mitigation measures required in Table 5-1.

To comply with project condition of approval 5.5 and 5.6, compliance reports of the project must be carried out in accordance with the Compliance Reporting Requirements and timing requirements outlined in the *Compliance Reporting Post Approval Requirements (2020)*. To comply with project condition of approval 5.7 each compliance report must be made publicly available within 60 days of submitting it to the Secretary, unless otherwise agreed by the Secretary. Full details of compliance reporting requirements are addressed in the CEMP Section 13.

Audits and inspections will specifically consider how targets that apply to this ACHMP are being addressed, including that:

- Aboriginal cultural heritage exclusion zones are being appropriately protected

- Aboriginal cultural heritage monitoring is being conducted in accordance with the Cultural Heritage Monitoring Protocol (Appendix B).

Any complaints identified through audits or inspections will be managed in accordance with project approval condition 6.3. Full details of complaint management are provided in Section 11 of the CEMP.

Any non-conformances identified through audits or inspections will be managed in accordance with project approval conditions 5.2, 5.3 and 5.4. Full details of non-conformance management and reporting are provided in Sections 10 and 13 of the CEMP.

7.7 Incident management and corrective actions

The management, investigation, reporting and notification process for environmental incidents is to be undertaken in accordance with:

- GECL Emergency Response Plan for Tallawarra B (where related to the construction of the project)
- EnergyAustralia Emergency Response and Preparedness Plan TQMS12-HSE-L001 - Emergency Response Plan (where related to the broader project site or Tallawarra A operations)
- Conditions of Approval incident reporting requirements
- EPL 555 requirements.

If an incident does occur, project personnel in the immediate area are required to promptly cease works and follow the processes in line with the EnergyAustralia Emergency Response and Preparedness Plan TQMS12-HSE-L001 - Emergency Response Plan, and notification and reporting requirements outlined in the following sections.

If the incident is under the control of GECL during construction, then the GECL Emergency Response Plan for Tallawarra B must be followed.

Environmental incident notification and incident reporting must be immediately reported to the HSSE Lead and Construction Manager. Verbal notification must occur immediately on becoming aware of the incident or non-compliance. EnergyAustralia will notify NSW EPA immediately of all pollution incidents that cause or threaten material harm to the environment. EnergyAustralia will also notify the ER of any environmental incident immediately or within 24 hours of becoming aware of the incident.

EnergyAustralia will notify the Secretary in writing via the Major Projects website immediately after it becomes aware of an environmental incident following the requirements of CoA 5.1 and Appendix 1 of the major project approval. The major project approval Appendix 1 incident reporting requirements are replicated in Appendix C of this ACHMP.

For full details of incident management requirements, refer to Section 10 of the CEMP.

7.8 Review

This plan will be subject to continuous review throughout the construction and pre-operational stage of the Project, aimed at identifying areas for improvement. Review will be carried out in accordance with procedures described in the Section 14 of the CEMP.

Specific review of this plan is required to comply with Condition of Approval 7.7. This condition requires that within 3 months, unless the Secretary agrees otherwise, of:

- a) the submission of an incident report under condition 5.1 of this approval;
- b) the submission of an Independent Environmental Audit report under condition 5.11 of this approval;
- c) the approval of any modification to the conditions of this approval; or

d) a direction from the Secretary under condition 1.3 of this approval;

EnergyAustralia must review and, if necessary, revise the studies, strategies or plans required under the conditions of approval to the satisfaction of the Secretary.

Where this review leads to revisions in any such document, then within 4 weeks of the review the revised document must be submitted to the Secretary for approval, unless otherwise agreed with the Secretary.

In accordance with project condition of approval 7.8, to ensure the studies, strategies and plans for the project are updated on a regular basis and incorporate any required measures to improve the environmental performance of the project, EnergyAustralia may submit revised studies, strategies or plans required for the project under the conditions of approval at any time.

With the agreement of the Secretary, EnergyAustralia may also submit any study, strategy or plan required under the conditions of this approval on a staged basis. The Secretary may approve a revised strategy or plan required under the conditions of approval, or the stage submission of these documents, at any time.

With the approval of the Secretary, EnergyAustralia may prepare the revised or staged strategy or plan without undertaking consultation with all parties nominated under the applicable condition in this approval.

8 References

- AECOM. (2021). Laydown Area Supplementary Assessment: Appendix G. Aboriginal Due Diligence Assessment. Report prepared for EnergyAustralia. AECOM.
- Aurecon. (2021). Tallawarra Stage B Gas Turbine Power Station: Environmental Management Strategy. Report prepared for EnergyAustralia Tallawarra Pty Ltd. Sydney: Aurecon Australasia.
- Aurecon. (2021). Tallawarra Stage B Gas Turbine Power Station: Construction Environment Management Plan. Report prepared for EnergyAustralia Tallawarra Pty Ltd. Sydney: Aurecon Australasia.
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- Biosis (2010). Tallawarra Lands: Part 3A Concept Plan Aboriginal Archaeological Assessment. Report prepared for TRUenergy. Biosis Research.
- DIPNR. (2004). Guideline for the Preparation of Environmental Management Plans. Sydney: NSW Department of Infrastructure, Planning and Natural Resources. Retrieved from <https://www.planning.nsw.gov.au/~media/Files/DPE/Guidelines/guideline-for-the-preparation-of-environmental-management-plans-2004.ashx?la=en>
- Kelleher Nightingale Consulting (2006). Tallawarra Lands Local Environmental Study, Aboriginal Cultural Heritage Assessment, Report to Willana Associates, Report number 6001.
- Minister for Planning. (2020, December 7). State Significant Infrastructure: Tallawarra B (MOD2) - Consolidated Project Approval. Retrieved from Department of Planning, Industry and Environment: <https://www.planningportal.nsw.gov.au/major-projects/project/16696>
- Niche (2021). Aboriginal Objects Due Diligence Assessment: Tallawarra B Power Station Project. Report prepared for Energy Australia Tallawarra Pty Ltd. Niche Environment and Heritage.
- OEH (2011) Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales. Sydney: NSW Office of Environment and Heritage, Department of Premier and Cabinet.
- SKM. (2007). Tallawarra Stage B Gas Turbine Power Station: Preliminary Environmental Assessment. Report prepared for TRUenergy. Sydney: Sinclair Knight Merz.
- SKM. (2009). Tallawarra Stage B Gas Turbine Power Station: Environmental Assessment. Report prepared for TRUenergy. Sydney: Sinclair Knight Merz.

Appendix A: Agency consultation log

Consultation undertaken for this ACHMP is summarised below.

Agency	Date	Method	Actions and responses
Local Aboriginal community stakeholders	12/07/2021 and 13/07/2021	Site inspection with Heritage Consultant, Niche) and Steve Henry (Site Officer, Illawarra Local Aboriginal Land Council	<ul style="list-style-type: none"> Preparation of the ADDA (Niche 2021) in advance of the commencement of construction
Heritage NSW	27/08/21	Email to Heritage NSW: Consultation prior to construction	<ul style="list-style-type: none"> Purpose of email was to introduce the project to Heritage NSW, the requirements of the CoA for Management Plan consultation and to arrange a meeting time for further discussion of the project/plan
Heritage NSW	30/08/21	Email: Tallawarra B Power Station- Attention Rose O'Sullivan	<ul style="list-style-type: none"> Purpose of the email was to check availability between the 1st and 7th of September for a half an hour meeting to discuss the Tallawarra B Power Station Draft Aboriginal Cultural Heritage Management Plan Statement in email indicating that the proponent would supply a copy of the draft ACHMP prior to the meeting
Heritage NSW	08/09/21	Email: Consultation with Heritage NSW	<ul style="list-style-type: none"> Purpose of email was to follow up on the intention to introduce the project to Heritage NSW, the requirements of the CoA for Management Plan consultation, introducing the proponent and to arrange a meeting time for further discussion of the project/plan The draft ACHMP was attached to this correspondence
Heritage NSW	08/09/21	Email: Heritage NSW confirmation receipt of draft ACHMP receipt	<ul style="list-style-type: none"> Heritage NSW confirmed receipt of draft ACHMP and will review/comment Heritage NSW also notified Aurecon that they have also been in contact with Niche Environment and Heritage A meeting may be organised pending review
Heritage NSW	20/09/21	Email: Aurecon follow up email on ACHMP review	<ul style="list-style-type: none"> Aurecon following up on Heritage NSW consultation and draft ACHMP review Aurecon requesting indicative timing for review/comment
Heritage NSW	15/10/21	MS Team meeting with Rose O'Sullivan and Sarah Robertson from Heritage NSW	<ul style="list-style-type: none"> Aurecon and EnergyAustralia presented a PowerPoint presentation outlining the project, the Aboriginal heritage context, and the proposed approaches for the management of Aboriginal heritage impacts

Agency	Date	Method	Actions and responses
			<ul style="list-style-type: none"> • Heritage NSW provided some advice in relation to Aboriginal heritage monitoring typical processes, including the contemporary heritage advice that reburial of any Aboriginal cultural heritage items identified during the project is more appropriate than retention of objects in a keeping place. <ul style="list-style-type: none"> ○ Response: A detailed monitoring protocol has been developed, ACHMP Appendix B: Cultural Heritage Monitoring Protocol following this Heritage NSW advice. • Heritage NSW thanked participants for the meeting indicating they would put notes together and provide some examples of other Aboriginal heritage monitoring methodologies that may be useful for EnergyAustralia as examples
Heritage NSW	19/10/21	Email: Formal written consultation advice on the Project from Heritage NSW	<ul style="list-style-type: none"> • Comment: We really appreciate you taking us through the history of the project last week. It was very informative, particularly in terms of previous land uses. As we discussed on Friday, we think this information should be incorporated into the due diligence report, including aerial photography from various points in time if you have any. <ul style="list-style-type: none"> ○ Response: Niche (2021) report has been finalised inclusive of historical aerial imagery and associated analysis. • Comment: Our understanding is that some of the Tallwarra B works will impact areas that have been assessed as having moderate archaeological potential. Heritage NSW would usually request upfront test excavations of these areas to develop an understanding of any archaeological deposit to be impacted, and undertake Aboriginal consultation in developing appropriate management and mitigation measures. However, as the project conditions were drafted in 2010, the approval only requires monitoring of works. We also understand that you are working within some tight timeframes. <ul style="list-style-type: none"> ○ Response: The ACHMP has been developed to undertake heritage monitoring in accordance with the Conditions of Approval and following this Heritage NSW advice. • Comment: For these reasons, we think that it's important to develop a detailed monitoring methodology that clearly sets out the steps to be taken in various eventualities. Based on the landforms the project is in, there is a high likelihood of artefact scatters and shell midden, and also potential for Aboriginal burials. We recommend developing a detailed monitoring methodology for the different types of sites that may be encountered. Due to the high cultural sensitivities associated with Aboriginal burials, we recommend developing a burial protocol as part of your Aboriginal consultation process rather than relying on an unexpected finds protocol. We've attached an example so you can see how that type of protocol can work. It helps to give the community confidence that they will be involved in the process, as well as showing respect. <ul style="list-style-type: none"> ○ Response: A detailed monitoring protocol has been developed, ACHMP Appendix B: Cultural Heritage Monitoring Protocol, meeting these requirements.

Agency	Date	Method	Actions and responses
			<ul style="list-style-type: none"> • Comment: We've attached a monitoring example from another project as well where there was potential for stone artefact scatters. The archaeologist considered artefact densities from excavations at other project locations to develop an artefact density threshold at which works would stop and hand excavations be undertaken. In your case, the excavations at the adjacent residential development (by Bridgewater under the Tallawarra Concept Plan) could be used to help inform an understanding of likely artefact density and appropriate triggers and management steps. In the example I have attached, when the artefact density threshold was reached, works stopped and hand excavations of the deposit were undertaken. This was a successful method in the circumstances, which arose out of a similar old project consent that you are operating under. It effectively helps to mitigate against the outdated consent conditions and allows the Aboriginal community to be involved in managing their heritage. <ul style="list-style-type: none"> ○ Response: The detailed monitoring protocol, ACHMP Appendix B: Cultural Heritage Monitoring Protocol, has been developed with reference to the Heritage NSW examples provided. • Comment: We suggest undertaking further consultation with the Aboriginal community to ask how they would like to manage the various possible site types within the project area and develop some project specific management and mitigation measures. A copy of the draft monitoring methodology should be provided to the Aboriginal community for their comment and review. We also reiterate our discussion from last week regarding additional Aboriginal community members or groups who may come forward and wish to be consulted about the current works. In this event, we would expect that those parties would be added to the consultation list, provided with all consultation information and engaged with in consultation from that point. <ul style="list-style-type: none"> ○ Response: EnergyAustralia has completed consultation with the Aboriginal groups that have expressed an interest in the Project area on the detailed monitoring protocol, ACHMP Appendix B: Cultural Heritage Monitoring Protocol. No specific feedback was provided on the CHMP.

Appendix B: Cultural Heritage Monitoring Protocol

Tallawarra Stage B Gas Turbine Power Station

Cultural Heritage Monitoring Protocol

1. Introduction

EnergyAustralia Tallawarra Pty Ltd (EnergyAustralia) propose the construction and operation of a gas-fired power station and associated infrastructure, known as the Tallawarra Stage B Gas Turbine Power Station Project (the Project) in Yallah, New South Wales.

The proposed activity involves earthworks associated with the construction of the Tallawarra B Power Station and associated infrastructure, and therefore has the potential to disturb Aboriginal objects.

As part of the planning and approvals process, heritage reports have been prepared for the Project that indicated that despite past landscape modification practices and existing Tallawarra A Power Plant infrastructure, there are portions of the Project area that possess moderate or high archaeological sensitivity. More specifically, based on the landforms of the Project area, there is a high likelihood of artefact scatters and shell midden, and also potential for Aboriginal burials to be present.

1.1 Purpose

The Project was approved under Section 75J of the *Environmental Planning and Assessment Act 1979* (EP&A Act). Condition of approval 3.56 provides for monitoring to occur where ground disturbance works are occurring.

This Cultural Heritage Monitoring Protocol has been developed to guide the monitoring process during construction, provide a methodology and framework for EnergyAustralia to conduct earthworks that recognises the potential risks, provides clear and appropriate responses and outlines roles and responsibilities.

1.2 Background

The Project will be constructed immediately adjacent to the existing Tallawarra A closed cycle gas turbine power station. As a result of its previous uses, the majority of the land surrounding the Project site (Tallawarra Lands) is vacant and has been cleared of vegetation. Currently, cattle grazing and other rural activities constitute the primary land use beyond the power station site boundary.

Previous Aboriginal heritage investigations and studies have been undertaken for the Project area and its surrounds. One of these was an Aboriginal cultural heritage assessment prepared in 2006 by Kelleher Nightingale Consulting (KNC 2006) to accompany the Tallawarra Land Local Environmental Study report. This assessment considered the broader Tallawarra Land area which encompasses the Project area. It included consultation with the relevant Aboriginal community members, considered historic land use across the area, and identified areas of Aboriginal heritage value. Areas of Aboriginal heritage value identified included the ridgeline from Mt Brown to Lake Illawarra, Yallah Creek, Lake Illawarra and the lake foreshore areas.

In 2021, to satisfy Condition of Approval 3.56:

‘...further archaeological surveying and assessment with the aim of identifying any Aboriginal cultural heritage values which may be impacted by the project...’

Niche environment and Heritage prepared an Aboriginal Objects Due Diligence Assessment for the Project (Niche 2021). The assessment mapped areas of low, moderate and high archaeological potential are present within the Project area. An extensive search of AHIMS indicated that there are three Aboriginal cultural heritage sites situated within the Project area, and a total of 14 Aboriginal

cultural heritage sites situated within 50 metres (m) of the Project area. The most common site types were artefact scatters, isolated artefacts, middens and potential archaeological deposits (PADs).

A site inspection was conducted (Niche 2021) for the Project area, targeting areas where the proposed works are likely to occur. No new Aboriginal cultural heritage sites were identified. It confirmed that Aboriginal cultural heritage sites Tallawarra Canal Midden 1 (AHIMS ID #52-5-0516), Yallah Gully 3 (AHIMS ID #52-5-0246), Yallah (Yallah Site 2) (AHIMS ID #52-5-0122), TLPD AFT-6 (AHIMS ID #52-5-0612), Yallah Gully 2 (AHIMS ID #52-5-0247) and Yallah Gully 1 (AHIMS ID #52-5-0248) were all relocated. No surface cultural material was identified at any of these sites due to poor ground surface visibility and dense grass coverage.

Throughout most of the Project area, significant disturbance was noted by Niche 2021 as a result of extensive landscape modification associated with the construction of Tallawarra A Power Station and the remnant coal-fired power station and its associated infrastructure, including laydown areas, roads, canals, carparks, transmission towers, subsurface utilities, and walking and vehicle tracks. However, some parts of the Project area have experienced less disturbance, and as such have a moderate chance of containing subsurface Aboriginal objects. These areas include: the area immediately surrounding AHIMS registered sites Tallawarra Canal Midden 1 (AHIMS ID #52-5-0516), Yallah (Yallah Site 2) (AHIMS ID #52-5-0122) and Yallah Gully 3 (AHIMS ID#52-5-0246); the remnant vegetation on either side of the proposed alternate switchyard access track; and the vegetated/relatively undisturbed areas adjacent to Yallah Creek and Yallah Gully.

2. Monitoring protocol

The Monitoring Protocol aims to ensure that during ground disturbing works, and in the event an object is found, there will be appropriate protection management of that object. Cultural Heritage Monitoring is where an Aboriginal monitor is present during earthworks where it is reasonably suspected that Aboriginal cultural heritage objects may be encountered. Monitoring is required for the Project during construction under project Condition of Approval 3.56.

This Monitoring Protocol provides a guide for the management and protection of burials and other Aboriginal cultural heritage objects during earthworks.

2.1 Who must follow the protocol?

Anyone who is involved in ground disturbing works during the construction of the Tallawarra Stage B Gas Turbine Power Station Project must follow the Protocol. This would include, but not limited to Energy Australia's appointed contractors for the Project.

2.2 Who would undertake the monitoring?

A number of Aboriginal community groups have a known interest in the Illawarra region, and have been involved in cultural assessments on Tallawarra Lands in the past. These include:

- Illawarra Local Aboriginal Land Council (ILALC)
- Korewal Elouera Jerrungarugh Tribal Elders Aboriginal Corporation (KEJ)
- Wodi Wodi Elders Corporation (WWEC)
- Wadi Wadi Coomaditchie Aboriginal Corporation (WWCAC)
- Northern Illawarra Aboriginal Collective (NIAC).

Prior to the commencement of the construction works these groups will be contacted to engage representatives for the monitoring.

Trained monitors from the representative Aboriginal community groups are responsible for monitoring. A maximum of three monitors per day will undertake the monitoring. A rotational roster will be developed by EnergyAustralia if more than three Aboriginal community groups declare an interest in participating to enable fair and equitable representation.

It is also the responsibility of all construction workers involved in earthworks for the Project to be vigilant during earthworks for the presence of Aboriginal cultural material.

2.3 What activities would require monitoring?

Monitoring will be required for the following activities to be undertaken in areas of moderate archaeological potential (Niche 2021):

- Clearing of grass and remnant vegetation
- Earthworks associated with construction of several new transmission line poles

Monitoring is not expected to be required in areas identified as having high archaeological potential as these areas have been avoided by the design. Areas of high archaeological potential nearby construction activities will be protected from impacts with exclusion fencing and signage preventing access.

The final areas required for monitoring may be reviewed during the Project subject to design development.

2.4 When is monitoring required?

Niche (2021) provides mapping of moderate and high archaeological potential areas within the Project area (Figure 1). Monitoring will apply when ground disturbing works take place within areas of moderate archaeological potential.

Monitoring is not expected to be required in areas identified as having high archaeological potential as these areas have been avoided by the design. Areas of high archaeological potential nearby construction activities will be protected from impacts with exclusion fencing and signage preventing access.

2.5 When is monitoring not required?

Monitoring is not required during the following activities:

- Backfilling
- Moving stockpiles from their original deposition site - but only where the current ground surface would not be impacted
- Any ground disturbing works that are outside the mapped areas of moderate and/or high archaeological potential (Niche 2021).

3. Monitoring procedure

All monitoring will be undertaken in accordance with Project safe work procedures and safe work method statements. All monitors will be required to sign onto and abide by site safety requirements. At all times monitors are required to follow the direction of site supervisors to enable work safety. The monitoring procedure is as follows:

1. Initial walkover to identify any Aboriginal objects that could be present on the surface, but hidden by vegetation, or within subsurface soil deposits.
2. During digging, trenching and levelling the exposed ground will be regularly inspected by monitors for Aboriginal objects. The monitors will be allowed to stand outside of the reach of the machinery arm as identified in safe work method statements (generally more than 5 metres).
3. If a feature is unclear, it may be necessary for the Aboriginal monitor to use a trowel or shovel to carefully hand scrape the soil to make a definite assessment. During this time if agreed by the machine operator, the machine may move to another area.
4. Spoil heaps created during digging, trenching, levelling and auguring will also be inspected as the heap is formed.
5. If a monitor notices bone or shell, they can signal the machine operator to cease the activity while the area is inspected.
6. If an Aboriginal object has been found, the appropriate response to the identified object type as detailed in Table 4-1 - Table 4-4 must be followed.
7. No Aboriginal objects are to be collected or removed from site. Reburial or relocation responses as detailed in Table 4-1 and Table 4-3 must be followed

4. Response management

The Monitoring Protocol aims to ensure that when an Aboriginal object is discovered during ground disturbing works, there is an appropriate management action for that object. Table 4-1 to Table 4-4 list a range of scenarios where different Aboriginal objects are found and the appropriate response and management action which would provide the best means of protection for the object.

Table 4-1 Response management for the discovery of stone artefacts

Aboriginal object type	Monitoring method	Response	Management action
Stone artefacts			
Stone artefacts	Monitors to carry out earthworks monitoring	Works to proceed with caution	Rebury deeper than the works or move object to a non-impact area
Large stone artefact (complete stone tool)	Monitors to carry out earthworks monitoring	Immediately cease all work at the particular location	<ol style="list-style-type: none"> 1. Cease works in area 2. Site Supervisor and Monitor to record on the Archaeological Spreadsheet: GPS, photos, description 3. Rebury deeper than the works, or move object to a non-impact area 4. Works to proceed with caution.

Table 4-2 Response management for the discovery of shell middens

Aboriginal object type	Monitoring method	Response	Management action
Shell midden			
Unstratified shell midden	Monitors to carry out earthworks monitoring	Works to proceed with caution	No further management action required
Stratified shell midden	Monitors to carry out earthworks monitoring	Immediately cease all work at the particular location	<ol style="list-style-type: none"> 1. Cease works in area 2. Remove machinery 3. Document and photograph site 4. Site Supervisor and Monitor to cover midden with canvas tarpaulin and sandbag the edge to secure the cover 5. Contact Energy Australia's HSSE Lead who will manage thereafter. They will contact Heritage NSW and the Project Archaeologist and await advice 6. Await advice. Works to proceed in other areas of the site.

Table 4-3 Response management for the discovery of bone material

Aboriginal object type	Monitoring method	Response	Management action
Bone material			
Whole animal bone	Monitors to carry out earthworks monitoring	Immediately cease all work at the particular location	<ol style="list-style-type: none"> 1. Cease works in this area 2. Site Supervisor and Monitor to record on the Archaeological Spreadsheet: GPS, photos, description 3. Rebury deeper than the works, or move object to a non-impact area 4. Works to proceed with caution.
Part Bone Material	Monitors to carry out earthworks monitoring	Immediately cease all work at the particular location	<ol style="list-style-type: none"> 1. Cease works in area 2. Remove machinery 3. Document and photograph site 4. Site Supervisor and Monitor to cover part bone piece with canvas tarpaulin and sandbag the edge to secure the cover 5. Contact Energy Australia's HSSE Lead who will manage thereafter. They will contact Heritage NSW and the Project Archaeologist and await advice 6. Await advice. Works to proceed in other areas of the site.

Table 4-4 Response management for the discovery of human remains

Aboriginal object type	Monitoring method	Response	Management action
Human remains			
Human remains	Monitors to carry out earthworks monitoring	Immediately cease all work at the particular location	<ol style="list-style-type: none"> 1. Cease works at this location 2. Call the Police 3. If obvious human remains are discovered, do not remove machinery until the Police have been on site as this may further harm the remains 4. Site Supervisor to secure the area by fencing off a 10 metre exclusion zone and covering any exposed remains with a tarpaulin that is kept in place with sandbags 5. Notify NSW Police who will organise the Coroner to determine the nature of the remains. Also contact Heritage NSW and provide details of the remains and location 6. If the Coroner determines the remains are Aboriginal and greater than 100 years old and not a crime scene then mitigation measures developed between Heritage NSW and the registered Aboriginal stakeholders will be implemented. Do not recommence work in the Aboriginal burial site unless authorised by Heritage NSW in writing 7. If Forensic determine the remains are not Aboriginal then the Police will manage the site. 8. Move works to another area whilst waiting for advice from Police and keep working.

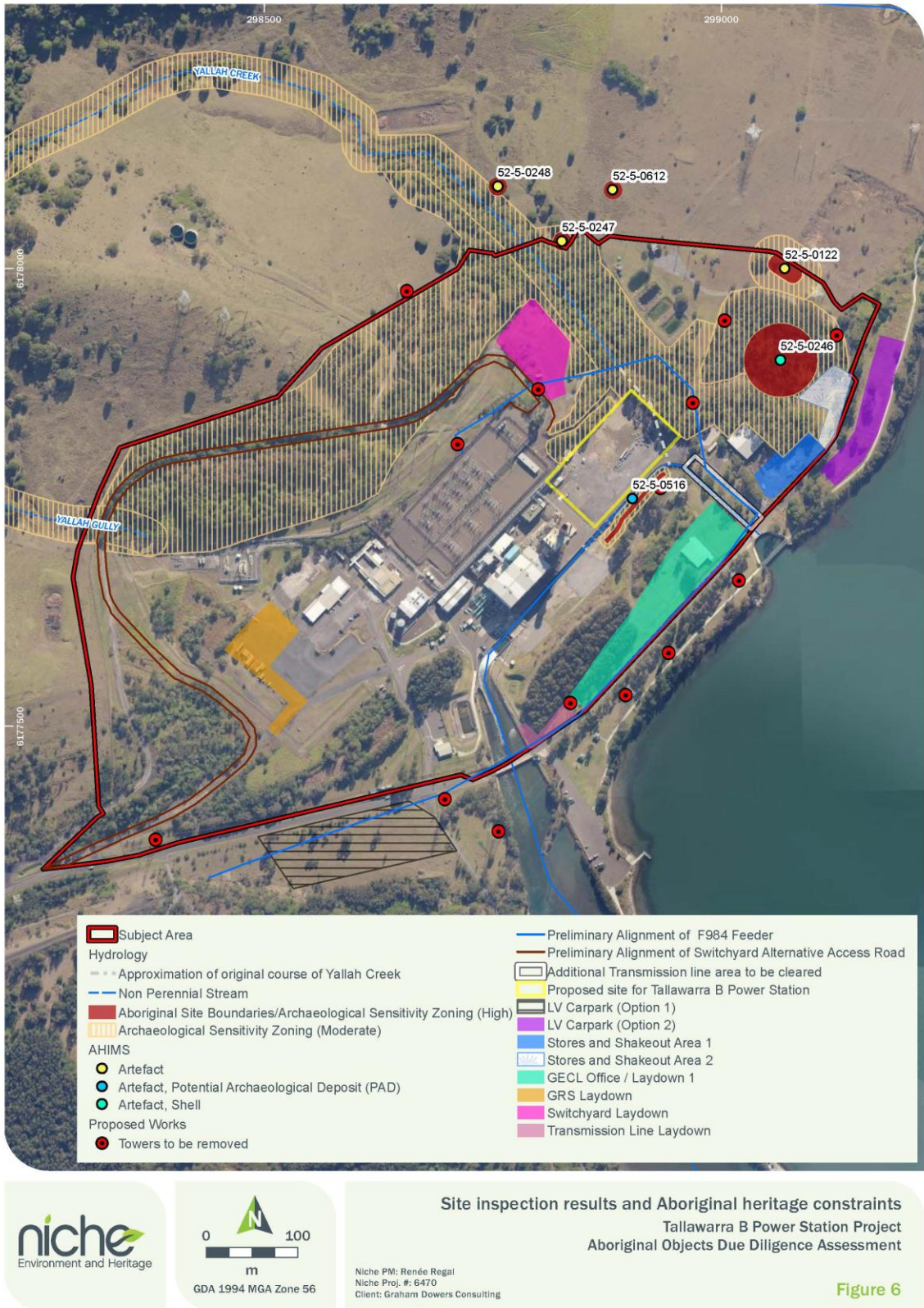


Figure 1 Archaeological sensitivity mapping (Niche 2021)

6. References

Niche (2021). Aboriginal Objects Due Diligence Assessment: Tallawarra B Power Station Project. Report prepared for Energy Australia Tallawarra Pty Ltd. Niche Environment and Heritage.

KNC (2006). Kelleher Nightingale Consulting Pty Ltd, Tallawarra Lands Local Environmental Study, Aboriginal Cultural Heritage Assessment, Report to Willana Associates, Report number 6001.

Appendix C: Incident notification requirements (major project approval, Appendix 1)

Written incident notification requirements:

1. A written incident notification addressing the requirements set out below must be submitted to the Secretary via the Major Projects website within seven days after the Proponent becomes aware of an incident. Notification is required to be given under this condition even if the Proponent fails to give the notification required under condition 5.1 or, having given such notification, subsequently forms the view that an incident has not occurred.
2. Written notification of an incident must:
 - a. identify the development and application number;
 - b. provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
 - c. identify how the incident was detected;
 - d. identify when the Proponent became aware of the incident;
 - e. identify any actual or potential non-compliance with conditions of approval;
 - f. describe what immediate steps were taken in relation to the incident;
 - g. identify further action(s) that will be taken in relation to the incident; and
 - h. identify a project contact for further communication regarding the incident.
3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Secretary, the Proponent must provide the Secretary and any relevant public authorities (as determined by the Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.
4. The Incident Report must include:
 - a. a summary of the incident;
 - b. outcomes of an incident investigation, including identification of the cause of the incident;
 - c. details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
 - d. details of any communication with other stakeholders regarding the incident.

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