

**BELMONT DESALINATION PLANT SSI-
8896**

Aboriginal Cultural Heritage Management Sub-Plan

FINAL

September 2024

BELMONT DESALINATION PLANT SSI-8896

Aboriginal Cultural Heritage Management Sub-Plan

FINAL

Prepared by
Umwelt (Australia) Pty Limited
on behalf of
Hunter Water Corporation

Project Director: Tim Adams
Project Manager: Ryan Desic
Report No. 21099_R17
Date: September 2024



QMS Certification Services

This report was prepared using Umwelt's ISO 9001 certified Quality Management System.

Acknowledgement of Country

Umwelt would like to acknowledge the traditional custodians of the country on which we work and pay respect to their cultural heritage, beliefs, and continuing relationship with the land. We pay our respect to the Elders – past, present, and future.

Disclaimer

This document has been prepared for the sole use of the authorised recipient and this document may not be used, copied or reproduced in whole or part for any purpose other than that for which it was supplied by Umwelt (Australia) Pty Ltd (Umwelt). No other party should rely on this document without the prior written consent of Umwelt.

Umwelt undertakes no duty, nor accepts any responsibility, to any third party who may rely upon or use this document. Umwelt assumes no liability to a third party for any inaccuracies in or omissions to that information. Where this document indicates that information has been provided by third parties, Umwelt has made no independent verification of this information except as expressly stated.

©Umwelt (Australia) Pty Ltd

Document Status

Rev No.	Reviewer		Approved for Issue	
	Name	Date	Name	Date
1	Ryan Desic	07/10/2022	Tim Adams	07/10/2022
2	Steve Farrar (HWC)	19/10/2022	Ryan Desic	19/10/2022
3	Amber Grant (John Holland)	17/11/2022	Ryan Desic	23/11/2022
4 (MOD 1 Update Draft to RAPs)	Ryan Desic	30/07/2024	Tim Adams	30/07/2024
5 (MOD 1 Update Final)	Ryan Desic	05/09/2024	Ryan Desic	05/09/2024
6 Response to DPHI and ER comments	Steve Farrar (HWC)	23/09/2024	Ryan Desic	23/09/2024

Table of Contents

1.0	Introduction	1
1.1	Background	1
1.2	Project Overview	1
	1.2.1 General Features	1
1.3	Purpose and Objectives	6
1.4	Responsibility for Implementation	6
1.5	Interaction With The CEMP	7
1.6	Document Structure	8
1.7	Authorship	8
2.0	Statutory Requirements	9
2.1	Development Consent	9
2.2	Statutory Context	11
2.3	Regulator Consultation	12
3.0	Aboriginal Consultation	13
3.1	Key Points	13
3.2	Registered Aboriginal Parties	13
3.3	Previous Consultation for the Project ACHAR	13
3.4	Consultation in Developing This Plan	14
3.5	Ongoing Consultation Required for the Project	15
4.0	Aboriginal Cultural Heritage Context	16
4.1	Summary of Aboriginal Heritage	16
5.0	Aboriginal Heritage Management	18
5.1	Key Points	18
5.2	Salvage Measures	18
	5.2.1 Surface Artefact Collection	18
	5.2.2 Additional Inspection and Surface Collection	19
5.3	New Finds Procedures	20
	5.3.1 Management of New Finds and Unexpected Cultural Materials	20
	5.3.2 Discovery of Skeletal/Human Remains	22
5.4	Management of Salvaged Aboriginal Objects	24
	5.4.1 Temporary Storage of Salvaged Objects	24
	5.4.2 Long-term Care of Salvaged Objects	24

6.0	Compliance, Training, Review and Improvement	26
6.1	Key Points	26
6.2	Compliance And Auditing	26
	6.2.1 Measuring Performance	26
	6.2.2 Complaints	26
	6.2.3 Incident Reporting	26
6.3	Non-compliance Reporting	27
6.4	Aboriginal Heritage Induction Requirements	28
	6.4.1 Site Inductions	28
6.5	Review and Improvement and Data Management	29
	6.5.1 Continual improvement	29
	6.5.2 ACHMSP Review and Updates	29
	6.5.3 Data and record keeping	29
7.0	References	31

Figures

Figure 1.1	Project Location	4
Figure 1.2	Project Area	5
Figure 4.1	Aboriginal Cultural Heritage Values	17

Tables

Table 1.1	Roles and responsibilities for Aboriginal heritage management	6
Table 1.2	Structure of the ACHMSP	8
Table 2.1	Management Plan Requirements Relevant to Aboriginal Cultural Heritage	9
Table 2.2	Commonwealth and State Legislation Relevant to The ACHMSP	11
Table 3.1	List of Project RAPs	13
Table 3.2	Summary of Consultation for the Project ACHAR	14
Table 3.3	Aboriginal Consultation to be Undertaken as Part of the Project	15
Table 5.1	Management of new finds and unexpected cultural materials (except skeletal/human remains)	21
Table 5.2	Procedure For The Discovery Of Potential Aboriginal Ancestral Remains	22

Appendices

Appendix A	Aboriginal Site Inventory
Appendix B	Aboriginal Consultation Documentation
Appendix C	Aboriginal Site Definitions
Appendix D	Legislation And Obligations

1.0 Introduction

1.1 Background

Hunter Water Corporation (Hunter Water) proposes to construct a permanent desalination plant (the project) adjacent to the Belmont Wastewater Treatment Works in Belmont South, NSW (**Figure 1.1**). The approved project (as modified) is State Significant Infrastructure (SSI) (SSI 8896) and designed to produce up to 30 ML/day of potable water. Key project components include seawater intake infrastructure, desalination units, brine disposal system, electricity/water supply and ancillary works.

An environmental impact statement (EIS) was prepared to accompany the application for SSI 8896 and address the requirements of State agencies under the NSW *Environmental Planning & Assessment Act 1979* (EP&A Act). An Amendment Report (AR) and Response to Submissions Report was subsequently prepared to reflect changes to the project made during this stage, and to consider and respond to agency and public submissions.

Development consent (the consent) was granted by the Department of Planning and Environment (DPE) on 23 July 2021. Hunter Water sought to modify the consent from a drought response desalination plant with a 30 ML/day capacity to a desalination plant that is permanently available for operation with the same capacity (known as SSI-8896-Mod-1). The modification also sought some changes in project design and construction. The modified consent was granted by the Department of Planning, Housing and Infrastructure (DPHI) (formerly DPE) on 20 August 2024.

The consent requires the preparation and implementation of a number of management plans, strategies, protocols and procedures detailing environmental commitments, controls and performance objectives at desalination plant throughout project construction and operation. This Aboriginal Cultural Heritage Management Sub-Plan (ACHMSP or 'the plan') is required in accordance with Condition of Consent (CoC) C11 (g) as a sub-plan to the project Construction Environmental Management Plan (CEMP), and C17, along with associated protocols, management and mitigations set out for Aboriginal heritage in the consent.

This plan incorporates the relevant management measures presented in the project Aboriginal Cultural Heritage Assessment Report (ACHAR) (RPS 2019) submitted as part of the EIS, the Addendum to the ACHAR (RPS 2020) supporting the AR, the ACHA Addendum for the permanent operation modification (Umwelt 2024) and conditions of consent relating to Aboriginal cultural heritage.

1.2 Project Overview

1.2.1 General Features

The approved project involves the construction and operation of a permanent desalination plant producing up to 30 megalitres per day (ML/d) including direct ocean intake infrastructure; water treatment process plant; brine discharge; electricity supply; and ancillary works.

The project includes the following key components and as shown in **Figure 1.2** and summarised below:

1.2.1.1 Direct Ocean Intake

Consisting of:

- an onshore pump station:
 - including a central well and concrete structure approximately 11 m to 16 m in diameter, installed to a depth up to about 25 m below existing surface levels.
- intake pipeline:
 - approximately 850 m in length extending perpendicular to the beach in an Easterly direction from the pump station. The pipeline would be up to 14 m in diameter.
- an offshore intake structure. The intake structure would be:
 - A minimum of 500 m from the existing Belmont WWTW Ocean outfall (Note the Modification design has this placed around 736 metres away) located outside the surf zone.
 - A diameter of up to 14 m
 - At least 4.5 m above the seafloor to minimise potential capture of sediment.

1.2.1.2 Water Treatment Process Plant

The water treatment process plant would comprise a range of equipment, some of which would be housed in on-site sheds placed above ground level and located to allow incremental installation, if required. Services to and from the process equipment (e.g. power, communications, and raw feed water (ocean water) would comprise a mix of buried and overhead methods.

The plant will operate at 32.8 ML/d with a 91% availability, equating to a 30 ML/d average flow.

A number of permanent buildings would be required to house the water treatment process plant equipment. The building housing the pre-treatment equipment has the maximum height of all the project buildings at 14 m with the exception of the lime tower which has been raised to 15 m above the infilled ground level.

The desalination plant would be connected to Hunter Water's potable water network via a potable water pipeline proposed to be constructed to augment the existing water network.

1.2.1.3 Brine Disposal System

The desalination process would produce up to 56 ML/d of wastewater, comprising predominantly brine, as well as a small amount of pre-treatment and RO membrane cleaning waste. The waste brine from the desalination process would be transferred via a pipeline to the existing nearby Belmont WWTW for disposal via the existing ocean outfall pipe. During construction, groundwater that is intercepted from the onshore works that cannot be reinjected may also be potentially discharged via the existing ocean outfall pipe.

1.2.1.4 Power Supply

Provision of the required power supply for the operation of the Project would require connection to Ausgrid's existing 11 kV overhead power network. A new aboveground or underground powerline to the

desalination plant site will be provided along Ocean Park Road at the southwest end of the Project footprint (refer to **Figure 1.2**).

Ancillary Infrastructure

There would be a range of ancillary infrastructure associated with the desalination plant site. Ancillary infrastructure includes but is not limited to the following:

- **Stormwater drainage:** Stormwater within the water treatment process plant area would be directed into a swale on the southern and eastern western perimeters draining to a stormwater basin in the north-west of the project area.
- **Potable water network:** The project would connect to the potable water network for administration site shed facilities.
- **Tank Farm:** comprising ocean water (from the intakes), pre-treated ocean water (ocean water that has undergone filtration and pre-treatment), permeate (desalinated water), and potable water.
- **Chemical storage and dosing:** A number of chemicals would be required to be stored for use in the treatment processes. The storage area would have a concrete bunded unloading area.
- **Hardstand:** The water treatment process plant site would generally comprise a hardstand during construction phase (gravel, crushed concrete or similar) with some areas of concrete bunding, and concrete pads for placement of treatment components.
- **Fencing, signage and lighting:** It is proposed to construct chain wire fencing to the perimeter of the desalination plant site. All construction lighting will be provided in accordance with AS 4282 – Control of the obtrusive effects of outdoor lighting.
- **Access roads:** Access to the desalination plant would be along the existing Ocean Park Road access road to the Belmont WWTW. A new access would be added to enable safe access to the facility. Some areas may also be sealed in high trafficked areas, around the perimeter access road and to the northern intake structure.
- **Additional buildings:** A fire water system, process tankage, administration building, workshop building and switch rooms has been included in the building footprint of the latest design.

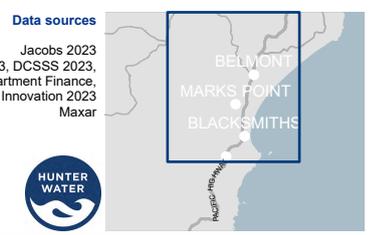
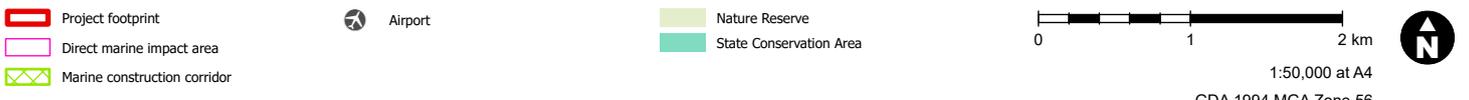
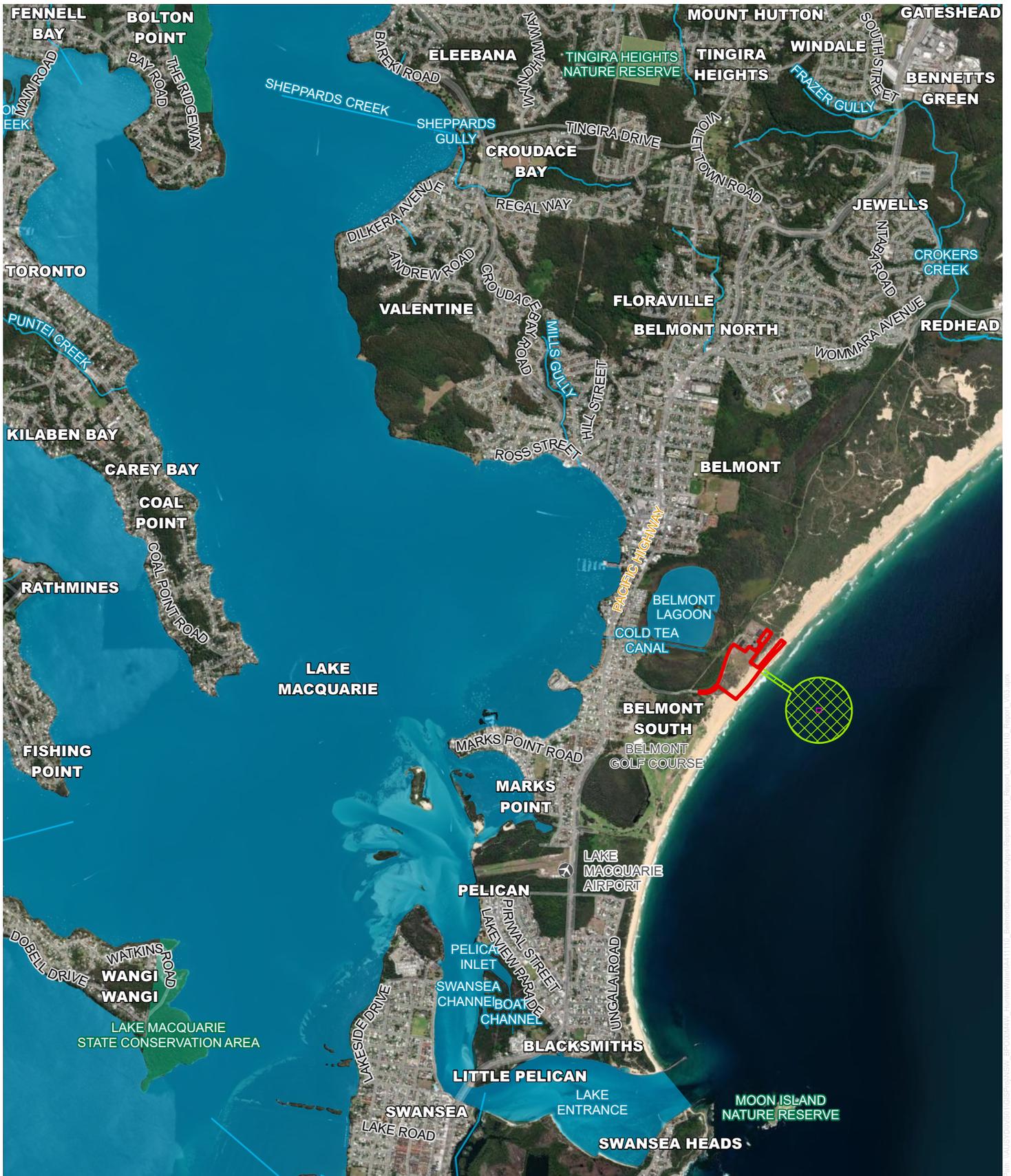


Figure 1-1 Locality

1.3 Purpose and Objectives

This ACHMSP describes how Hunter Water will protect and manage impacts to Aboriginal cultural heritage values within the project area during project construction and operation.

Specific objectives of the ACHMSP are to address CoCs by providing guidance on:

- processes to maintain ongoing consultation with the project’s registered Aboriginal parties (RAPs) and Heritage NSW (**Section 3.5**)
- management procedures for Aboriginal cultural heritage values associated with the project during pre-construction and construction phases (**Section 5.2**)
- protocols and procedures for new cultural finds, including Aboriginal objects and human remains (**Section 5.3**), and
- other administrative requirements, including post-project management of Aboriginal finds and recovered material, ongoing compliance, regular review and update of the ACHMSP to ensure its functionality is maintained through the project (**Section 6.0**).

The ACHMSP is prepared for a mixed audience of consent authorities, environmental regulators, Aboriginal stakeholders and site personnel; the latter of which are responsible for implementing this plan as part of day-to-day operations.

1.4 Responsibility for Implementation

Hunter Water will implement this ACHMSP as approved by the Secretary. The individuals responsible for the implementation of the plan are provided in **Table 1.1**. The plan will be stored in Hunter Water’s document control system; the latest version will be available electronically at all times. As the document owner, Hunter Water is the contact point for this plan and its requirements and will provide guidance and training to any person that requires additional training regarding this plan.

Table 1.1 Roles and responsibilities for Aboriginal heritage management

Role	Responsibilities
Project Construction Manager	<p>Ensure that the ACHMSP is implemented as approved by the Secretary.</p> <p>Ensure the implementation of this plan is carried out appropriately during construction/operations.</p> <p>Ensure adequate financial and personnel resources are made available for the implementation of this plan.</p>
Project Environment Manager	<p>Primary contact with RAPs.</p> <p>Ensure the Aboriginal heritage management measures required to be undertaken prior to ground disturbance activities are conducted in accordance with the measures outlined in this plan.</p>

Role	Responsibilities
	<p>Ensure inclusion of Aboriginal heritage in work inductions through delivery or input to induction documents.</p> <p>Distribute copies of this plan as required.</p> <p>Engage and coordinate relevant specialist personnel to undertake management measures or additional assessment as specified in this plan.</p> <p>Maintain records of Aboriginal consultation.</p> <p>Ensure relevant reporting, data management and registration is conducted, maintained and updated.</p> <p>Arrange for a review of this plan in accordance with review cycles and conditions specified in this plan.</p>
Project Archaeologist	<p>Implementing relevant management measures that require archaeologist supervision.</p> <p>Undertaking heritage assessments where required.</p> <p>Assistance in implementing responsibilities of the Environmental Representative, where engaged by Hunter Water.</p>
Wider Project team (construction and operations personnel including subcontractors)	<p>Manage the implementation of this plan during construction and operation (Site Manager).</p> <p>Reporting unexpected finds, incidents or non-compliance to the site manager.</p>

1.5 Interaction With The CEMP

CoC 11 requires the preparation of a Construction Environmental Management Plan (CEMP) and a suite of management sub-plans. This ACHMSP, while a standalone document, is a sub-plan of the CEMP that outlines the management requirements for Aboriginal heritage associated with the project including undertaking salvage works prior to construction commencing.

1.6 Document Structure

The structure of the ACHMSP is outlined in **Table 1.2**.

Table 1.2 Structure of the ACHMSP

Section	Content
1	Provides an overview of the project and objectives of the plan.
2	Outlines statutory requirements associated with the development consent, and regulator consultation undertaken by the specialist in developing the plan.
3	Provides an overview of Aboriginal consultation completed for the project, and processes to maintain ongoing consultation with the project's registered Aboriginal parties (RAPs).
4	Provides an overview of the Aboriginal cultural heritage context of the project area and surrounds which has provided the basis for the Aboriginal heritage management measures presented in this ACHMSP.
5	Provides management procedures for Aboriginal cultural heritage values within, and adjacent to, the project during pre-construction, construction and operational phases. Provides protocols and procedures for new cultural finds, including Aboriginal objects and human remains.
6	Provides requirements, procedures and protocols for compliance, training, review and improvement.
7	References.
Appendix A	Provides a tabulated list of all sites subject to management under this plan.
Appendix B	Provides details of Aboriginal consultation undertaken in preparing the ACHMSP.
Appendix C	Provides site definitions and descriptions for a range of Aboriginal site types.
Appendix D	Provides an overview of relevant legislation and reporting requirements under NSW law.

1.7 Authorship

The ACHMSP was prepared by Umwelt Principal Archaeologist, Aboriginal Heritage Team Leader Ryan Desic (BA Hons Historical and Prehistoric Archaeology) who is a suitably qualified and experienced archaeologist and heritage consultant. Ryan has over 14 years' experience in consulting archaeology and has prepared ACHMSPs for major projects across NSW.

2.0 Statutory Requirements

2.1 Development Consent

This ACHMSP has been prepared in accordance with the development consent. **Table 2.1** presents the consent conditions relevant to the ACHMSP and identifies where each condition has been addressed in this plan.

Table 2.1 Management Plan Requirements Relevant to Aboriginal Cultural Heritage

Condition No.	Condition requirement	Section reference	
	TERMS OF APPROVAL	-	
A2	The development may only be carried out:	-	
(d)	In accordance with the management and mitigation measures in Appendix 2.	-	
	APPENDIX 2 – Aboriginal Heritage	-	
Impact	Measure	Timing	
Salvage of artefacts	Hunter Water will develop a care agreement in consultation with Aboriginal parties for the long-term care of Aboriginal objects. This will be integrated into the ACHMSP.	Pre-construction, Construction	Section 5.4
Unexpected Finds Procedure	An unexpected finds procedure will be prepared to provide a method to manage potential heritage constraints and unexpected finds during construction. If suspected Aboriginal objects are identified during construction, work should stop immediately and Bahtabah Local Aboriginal Land Council, DPE and an archaeologist contacted to identify and record the objects. This procedure will be made accessible to all relevant employees and contractors working within the project area via toolbox talks and display in break out rooms/ site's offices.	Pre-construction, Construction	Section 5.3
Aboriginal Cultural Heritage Management Plan (ACHMSP)	An Aboriginal Cultural Heritage Management Plan (ACHMSP) will be formulated following approval of the project to provide management and protection process for known and unknown Aboriginal objects and places.	Pre-construction, Construction	This document
ACHMSP Provisions	The ACHMSP will include provision for the completion of the following activities. Additional inspection described within this Recommendation is referring to either further site inspection of A horizon soils after vegetation clearance or the monitoring of ground disturbance works during the works:	Pre-construction, Construction	-
-	Surface collection of AHIMS #45-7-0397 (RPS BEL IF01) and AHIMS #45-7-0402 (RPS_IF2).		Section 5.2.1
	Additional inspection and surface collection of any artefacts exposed in the area mapped in Figure 5 of Appendix O as containing A horizon soils in a disturbed context. The opportunity to undertake the additional inspection and surface collection should be provided to an archaeologist and Aboriginal party representatives following vegetation clearance and respreading of A horizon soils currently within the bunds and adjoining area.		Section 5.2.2
	Additional inspection of the areas with the potential for intact A horizon soils mapped in Figure 5 of Appendix O, with the opportunity to undertake the additional inspection to be provided to an archaeologist and Aboriginal party representative following vegetation clearance and during earthworks (where the earthworks will occur within A horizon		Section 5.2.2

Condition No.	Condition requirement	Section reference
	soils). Methodologies should be included for collection of surface artefacts.	
Site induction	All Hunter Water personnel and subcontractors involved in the proposed works will be advised of the requirements of the NPWS Act 1974 that it is an offence for any person to knowingly destroy, deface, damage or permit destruction, or defacement to an Aboriginal object or place without a relevant approval.	Pre-construction, Construction Section 6.4
Human Remains Protocol	In the event that skeletal remains are identified, work must cease immediately in the vicinity of the remains and the area must be cordoned off. The proponent must contact the local NSW Police who will make an initial assessment as to whether the remains are part of a crime scene or possible Aboriginal remains. If the remains are thought to be Aboriginal, DPE must be contacted on Enviroline 131 555. A DPE officer will determine if the remains are Aboriginal or not; and a management plan must be developed in consultation with the relevant Aboriginal stakeholders before works recommence.	Construction Section 5.3.2
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN		
C11	Prior to the commencement of construction, the Proponent must submit a Construction Environmental Management Plan (CEMP) to the to the Planning Secretary for approval. The CEMP must include, but not be limited to, the following:	-
(g)	Aboriginal Cultural Heritage Management Sub-Plan (see condition C17);	Whole document
C17	The Aboriginal Cultural Heritage Management Sub-Plan (ACHMSP) must address, but not be limited to, the following:	-
(a)	be prepared by a suitably qualified and experienced expert in consultation with the Registered Aboriginal Parties and ACH prior to ground disturbing works;	Sections 1.6, 3.4, 2.3
(b)	include register of consultation with Registered Aboriginal Parties to determine specific requirements and management measures to be used on site during construction, including protection of any objects or items in perpetuity;	Appendix B
(c)	include detail of re-survey plans following removal of vegetation;	Section 5.2.2
(d)	include detail of the implementation of all protocols adopted within the Aboriginal Cultural Heritage Assessment Report prepared by RPS Group dated 23 October 2019.	Whole document
D25 UNEXPECTED FINDS PROTOCOL – ABORIGINAL HERITAGE		
	In the event that surface disturbance identifies a new Aboriginal object, all works must halt in the immediate area to prevent any further impacts to the object(s). In the event that surface disturbance identifies a new Aboriginal object, a suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW under Department of Premier and Cabinet and the management outcome for the site included in the information provided to AHIMS. The Proponent must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites. Works shall only recommence with the written approval of Heritage NSW.	Section 5.3

2.2 Statutory Context

Legislation and its relevance to the project is summarised in **Table 2.2**. Further details of statutory obligations relating to Aboriginal cultural heritage is provided in **Appendix D**.

Table 2.2 Commonwealth and State Legislation Relevant to The ACHMSP

Legislation	Description	Relevant to the project?	Details
Commonwealth			
Environment Protection and Biodiversity Conservation Act 1999	Recognises sites with universal value on the World Heritage List (WHL). Protects Indigenous heritage places with outstanding heritage value to the nation on the National Heritage List (NHL), and significant heritage value on the Commonwealth Heritage List (CHL).	No	There are no Indigenous heritage places within the project area that are listed on the WHL, NHL, or the CHL.
Native Title Act 1993	Administers rights and interests over lands and waters by Aboriginal people. Provides for negotiation and registration of Indigenous Land Use Agreements (ILUAs). Often used in NSW to identify relevant stakeholders for consultation.	No	No native title claim applications or determinations or Indigenous Land Use Agreements exist over the project area.
Aboriginal and Torres Strait Islander Heritage Protection Act 1984	Preserves and protects areas and objects of particular significance to Aboriginal people that are under threat from injury or desecration.	No	There are no areas or objects within the project area subject to a Declaration under the Act.
State			
Environmental Planning and Assessment Act 1979	Requires environmental impacts, including to Aboriginal heritage, to be considered in land use planning. Provides for the development of environmental planning instruments, including State Environmental Planning Policies and Local Environmental Plans.	Yes	The project was assessed as State Significant Infrastructure under Part 5, Division 5.2 of the Act.
National Parks and Wildlife Act 1974 (NPW Act)	Provides blanket protection for all Aboriginal objects and declared Aboriginal places. Includes processes and mechanisms for development where Aboriginal objects are present, or where Aboriginal Places are proposed for harm.	Yes	The NPW Act generally remains in force for the project in relation to the discovery, impact notification and care of Aboriginal objects in NSW. However, as the project is classed as SSI, an Aboriginal heritage impact permit (AHIP) is therefore not required to permit harm to Aboriginal objects associated with the project. Instead, the SSI consent and an approved

Legislation	Description	Relevant to the project?	Details
			ACHMSP serve as an approval to impact on and manage impacts to Aboriginal objects.
Aboriginal Land Rights Act 1983	Establishes Local Aboriginal Land Councils (LALCs). Allows transfer of ownership of vacant crown land to a Local Aboriginal Land Council. The Office of the Registrar, Aboriginal Land Rights Act 1983 (ORALRA), registers Aboriginal land claims and maintains the Register of Aboriginal Owners. Often used in NSW to identify relevant stakeholders for consultation.	No	The project site does not appear to have Registered Aboriginal Owners pursuant to Division 3 of the Act.

2.3 Regulator Consultation

CoC 17 (a) requires this plan to be prepared in consultation with Heritage NSW. The draft ACHMSP was provided to Heritage NSW on 21 October 2022 for their review. On 11 November Heritage NSW responded and advised that they would not be providing comment on the draft ACHMSP. **Appendix B.2** contains evidence of correspondence with Heritage NSW.

3.0 Aboriginal Consultation

3.1 Key Points

- The project has an established list of RAPs that require ongoing consultation during the pre-construction, construction and operations phases of the project. The list of 13 RAPs and their contact detail are presented in **Table 3.1**.
- The RAPs require consultation during the finalisation of, and any updates to, the ACHMSP; for the implementation of project-specific protection and mitigation measures; and in the event of any unexpected finds being encountered. Timing for notification of each of these activities is provided in **Table 3.3**.

3.2 Registered Aboriginal Parties

There are 13 Aboriginal parties registered for the project (**Table 3.1**). The RAPs were identified, registered and consulted as part of the ACHAR (RPS 2019, 2020).

Table 3.1 List of Project RAPs

Organisation
Divine Diggers Aboriginal Cultural Consultants
Guringai Tribal Link
Yarrowalk: A division of Tocomwall Pty Ltd
Jumbunna Traffic Management Group Pty Ltd
Wattaka Wonnarua CC Service
Kawul Pty Ltd Trading as Wonn1 Sites
Didge Ngunawal Clan
Widescope Indigenous Group
Amanda Hickey Cultural Services
Lower Hunter Aboriginal Incorporated
A1 Indigenous Services
Awabakal Descendants Traditional Owners Corporation
Batahbah Local Aboriginal Land Council

3.3 Previous Consultation for the Project ACHAR

The following provides a summary of the Aboriginal consultation process completed previously for the ACHAR to support the project EIS. Further detail of this process is provided in the project ACHAR (RPS 2019, 2020 and addendum ACHA (Umwelt 2024)).

The *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010a) were followed for the ACHAR. RAPs were invited to provide cultural information about the project, were provided with draft assessment and fieldwork methods for review, were kept consulted about project updates and

management and were provided with assessment documentation for review and comment. A summary of the main consultation components during the ACHAR phase is provided in **Table 3.2**.

Table 3.2 Summary of Consultation for the Project ACHAR

Component	Key features
Main ACHAR consultation component November 2018–October 2019	This phase included: <ul style="list-style-type: none"> • the identification, notification and registration of RAPs (November 2018); • presentation of project information and assessment methodologies (February 2019); • gathering cultural information throughout ACHAR; • archaeological survey with RAP representatives (May 2019) • provision of draft ACHAR for RAP review (September 2019).
Addendum to ACHAR January–June 2020	This phase included: <ul style="list-style-type: none"> • RAPs were informed of project amendments and extension to project area (January 2020) • Additional archaeological survey of amended project area with RAP representatives (February 2020) • provision of draft amended ACHAR for RAP review (May 2020).
ACHA Addendum for Permanent Operation December 2023–February 2024	This phase included: <ul style="list-style-type: none"> • notifying RAPs of the proposed modification (5 December 2023) • Additionally survey of addendum area (14 December 2023) • Provision of draft addendum ACHA for RAP review (21 December 2023 o 2 February 2024)

3.4 Consultation in Developing This Plan

In accordance with CoC C17(a), Umwelt has consulted RAPs in developing this plan. Aboriginal consultation for this ACHMSP was approached in a manner consistent with the requirements set out in the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a). Consultation was undertaken with existing RAPs (**Table 3.1**) who have been involved in the consultation process since the preparation of the ACHAR (RPS 2019, 2020). Documentation of the consultation process and its outcomes is included in **Appendix B.1**.

3.5 Ongoing Consultation Required for the Project

The RAPs will continue to be consulted on matters of Aboriginal heritage management for the project. Primary communication will be via letter which may be emailed or posted depending on RAP preferred means of communication. Issues raised in conversations, whether by telephone or in person, should be documented in a letter by the person raising the issue within a reasonable time of the conversation.

Table 3.3 provides the required Aboriginal consultation to be implemented prior to, and during project development activities. Any Aboriginal consultation undertaken as part of these activities should be documented in **Appendix B**, including RAP contact details.

Table 3.3 Aboriginal Consultation to be Undertaken as Part of the Project

Project stage	Activity	Type and preferred method of communication	Comment or notification period to be provided
Pre-construction	Development of ACHMSP	Provision of a draft copy ACHMSP to RAPs for review and comment.	4 weeks (28 days)
	Finalisation of ACHMSP	Provision of final report via e-mail and/or post prior to its implementation.	1 week
Pre-construction and construction	Updates to the ACHMSP	Initial notification via phone/e-mail to advise of proposed update. Provision of updated ACHMSP for review and inputs via e-mail and/or post. Where significant changes are proposed, a face-to-face meeting may be offered.	3 weeks
Pre-construction and construction	Aboriginal site management measures	Hunter Water will give consideration to expressions of interest from suitably skilled, equipped and insured Aboriginal persons to provide Aboriginal cultural heritage management services. Successful applicants would be invited to provide a fieldwork representative to participate in Aboriginal heritage management tasks described in Section 5.0 of the ACHMSP. Depending on the scope of specific management tasks, RAP fieldwork representatives may be required to work to a roster. All fieldwork management tasks will include at least one project archaeologist and will work in accordance with this plan.	2 weeks
	New or unexpected finds	Contact all RAPs via phone and/or e-mail to advise of any new finds or significant cultural unexpected finds and proposed management. This may include invitation to undertake on-site observations and/or face-to-face meetings where significant cultural materials, such as human remains are discovered. Refer to Section 5.3 for new finds procedures.	Within 2 days of find
	Other activities as required	Initial notification/discussion via phone and e-mail followed by provision of documentation for review as required. Where significant or major changes, suitable face-to-face meetings and/or on-site observation should be provided.	≥2 weeks

4.0 Aboriginal Cultural Heritage Context

4.1 Summary of Aboriginal Heritage

RPS prepared an ACHAR to support the project EIS (2019) and an Addendum to the ACHAR (RPS 2020) to support the project AR and Response to Submissions report. Additionally, Umwelt completed an addendum to the ACHA that considered the addition of approximately 200 m corridor on Ocean Park Road to the Project footprint (Umwelt 2024). These assessments included Aboriginal community consultation, desktop studies and archaeological fieldwork. The Aboriginal cultural heritage values identified from the ACHAR investigations are the following (refer **Figure 4.1**):

- The recorded/known Aboriginal objects within the project area are two isolated stone artefacts: AHIMS #45-7-0397 (RPS BEL IF01) and AHIMS #45-7-0402 (RPS_IF2).
- RPS identified two areas with potential to contain Aboriginal objects associated with A-horizon soils:
 - A-horizon soils present in disturbed context, and
 - Potential for intact A-horizon soils. This area was extended in the Umwelt addendum ACHA to cover a small section of land within the corridor of Ocean Park Road that was added for the 11kv power connection portion of the project modification.
 - The ACHAR determined that the two known Aboriginal sites along with the areas of disturbed and potentially intact A-horizon soils will be impacted by the project related ground disturbance activities. Management and mitigation measures were developed in response to the proposed impacts which are detailed in **Section 5.0**.



0 100 200 Meters

GDA 1994 MGA Zone 56

Legend

- Project Area
- No-go area
- Study area (RPS ACHA)
- Indicative offshore project area
- A Horizon Soils Present in Disturbed Context
- Potential for Intact A Horizon Soils
- Disturbed Landscape with Low Archaeological Potential
- ▲ Isolated find
- Artefact Site

FIGURE 4.1

Aboriginal Cultural Heritage Values

5.0 Aboriginal Heritage Management

5.1 Key Points

Aboriginal cultural heritage management of the life of the project will primarily take the form of mitigative measures for known and potential Aboriginal objects that will be impacted by the project:

- **Collection:** surface collection of AHIMS #45-7-0397 (RPS BEL IF01) and AHIMS #45-7-0402 (RPS_IF2).
- **Additional inspection:** additional inspection (defined as either further site inspection of A-horizon soils following vegetation clearance or the monitoring of ground disturbance works) in areas of disturbed and potentially intact A-horizon soils.
- **General:** several ongoing general post-approval heritage requirements are required during project pre-construction and construction phases. These are outlined in detail in this section, and include the management of all salvaged Aboriginal objects, and protocols in the event that unexpected cultural materials or human remains are found.

5.2 Salvage Measures

5.2.1 Surface Artefact Collection

Surface artefact collection of AHIMS #45-7-0397 (RPS BEL IF01) and AHIMS #45-7-0402 (RPS_IF2) will be completed by a suitably qualified archaeologist and RAP representatives. This will be undertaken prior to any project ground disturbance activities in the vicinity of the Aboriginal sites.

The collection method will be as follows:

1. Site coordinates for each site will be entered into mobile GPS devices to re-locate and confirm locations.
2. The general vicinity of each site location will be inspected by the field team. Stone artefacts will be flagged on the ground and a photo taken of the flagged site. Each flagged artefact will be marked as a waypoint in the GPS.
3. All artefacts will be collected into snap lock plastic bags or similar, marked with the project name, site name, collection date and waypoint number. If additional stone artefacts are identified during the artefact collection fieldwork, they will be managed in the same manner.
4. All artefacts will be sorted and recorded post-fieldwork with respect to technological type, implement type, raw material, maximum block length and weight.
5. The collected artefacts will be incorporated into a salvage report detailing the results of the fieldwork, the artefacts recovered at each site and GIS figures showing the artefact locations.
6. The Aboriginal Heritage Information Management System (AHIMS) records will be updated with a site impact recording form for each collected site.

It may not be possible to find all of the previously recorded artefacts designated for collection. This may be due to a number of environmental changes since being identified, including changes in ground surface visibility conditions. Regardless of whether stone artefacts are identified at each site during this process, no further collection attempts or mitigation measures will be required after a reasonable attempt at collection has been undertaken. Following this procedure, the management status of these sites will be regarded as completed.

5.2.2 Additional Inspection and Surface Collection

5.2.2.1 Overview

Additional inspection and surface collection fieldwork is required within the following areas mapped in **Figure 4.1**:

- areas with A-horizon soils present in disturbed context, and
- areas with potential for intact A-horizon soils.

The additional inspections will involve re-survey of the relevant areas during the removal of vegetation and other earthworks required to implement this salvage measure, as referenced in **5.2.2.2** and **5.2.2.3** below. The purpose of this measure is to identify and collect any Aboriginal objects that are visibly exposed through this process. The ACHAR has predicted that Aboriginal objects are most likely to be exposed through these methods in areas where local A-horizon topsoil has been retained either in a disturbed or intact context. Where ground disturbance is not required for construction, no mechanical removal of soil layers will occur.

The following methods aim to respond to the differing environmental features (e.g., land modified by prior disturbance), and archaeological potential of each area listed above.

5.2.2.2 Method for A-horizon Soils Present in Disturbed Context

This area is made up of evaporation ponds, associated bunds and land bordering the outside of the evaporation pond bunds. The ACHAR identified that disturbed A-horizon soils are only present in the pond bunds and the land bordering the outside of the pond bunds. The base of the evaporation ponds feature B-horizon soils and have been stripped of their A-horizon profiles. As such, no additional inspection is required at the base (inside) of the evaporation ponds.

The method is as follows and will only be implemented for relevant areas within the project area boundary:

1. Additional inspection fieldwork will be directed by a suitably qualified archaeologist with the assistance of RAP representatives.
2. The additional inspection process (including vegetation removal, earthworks, and inspection) may be staged according to schedule and timing needs of the project: i.e., smaller sections of the area may undergo the process to accommodate specific pre-construction and construction tasks such as geotechnical investigations or localised trenching.
3. Machines will be used (e.g., excavator and/or grader or other suitable machinery) to systematically spread pond bund soils across the base of the evaporation ponds with an aim of achieving suitably spread layers visible for the purpose of inspecting soil for Aboriginal objects. An archaeologist and a

RAP representative will be present during this process to ensure the soil is adequately distributed for inspection.

4. For the land outside of the evaporation ponds and their bunds, a grader and/or other suitable machinery will be used to systematically clear vegetation and topsoil in approximately ~10 – 20 cm levels. The exposed surface and windrows will be inspected by an archaeologist and RAP representatives after each grader pass.
5. Any artefacts identified during this process will be managed in accordance with the surface collection methods as presented in **Section 5.2.1**.
6. If **Unexpected Sites** (as defined in **Table 5.1**) are identified during this process, they will be managed in accordance with the measures and procedures provided in **Table 5.1** for Unexpected Sites.
7. The process will cease once B-horizon soils are reached and/or culturally sterile layers are established. This will be established through the archaeologists' interpretation of soils and archaeological potential and will be done in consultation with RAP representatives present during fieldwork.

5.2.2.3 Method For Area of Potentially Intact A-Soil Horizon

This area comprises low-lying dunes with remnant grasses and low-lying shrubs with potential for intact A-horizon soils. However, there are portions of this mapped area where potential for A-horizon soils have clearly been removed by recreational vehicle tracks. The additional inspection methods do not apply for areas that have had their A-horizon soils removed – this will be established through the archaeologists' interpretation of soils and archaeological potential and will be done in consultation with RAP representatives present during fieldwork.

The methods presented above in **Section 5.2.2.2** will be followed for this area, with the exception of the method for respreading pond bunds over pond bases (which is not applicable for this area).

5.3 New Finds Procedures

5.3.1 Management of New Finds and Unexpected Cultural Materials

Table 5.1 sets out the measures in the event that any newly observed cultural material is identified during the pre-construction, construction and/or operational phases of the project. Importantly, the procedures set out in this section do not apply during the salvage activities set out in **Section 5.2** of this ACHMSP, unless classed as an 'Unexpected Site' as specifically defined in **Table 5.1**.

The recording of, and any proposed mitigation measures must be completed by a heritage professional(s) with participation of the RAPs representatives. Avoidance of newly identified Aboriginal objects is always the preferred heritage outcome where feasible. Mitigation measures should only be employed when it can be reasonably demonstrated that avoidance is not possible. All sites that cannot be avoided must be assessed of their archaeological significance prior to impacts in accordance with best practice heritage guidelines.

Table 5.1 Management of new finds and unexpected cultural materials (except skeletal/human remains)

Protocols to follow
<ul style="list-style-type: none"> • All works within the location of the Aboriginal object/s must stop. • The person who identified the Aboriginal object/s must immediately notify the person in charge of the activity e.g., Project Manager, Foreman, Environmental Representative. • All construction that could potentially harm the Aboriginal objects or values must cease (including stopping all construction within at least 15 m). Only construction that is required to make the area safe is permissible. • The Aboriginal object/s is to be protected with the establishment of a no-go zone. • Contact the project archaeologist and RAPs (see Section 3.2.) to lead the subsequent management of the find. • Consideration of avoiding the cultural materials should be undertaken. Where avoidance can be achieved, implement the following: - <ul style="list-style-type: none"> ○ if within 20 m of the project footprint apply active management comprising fencing and signage, or if over 20 m of the project footprint apply passive management by demarcating the location by at least one high visibility peg, stake or other marker to alert persons to their location. All sites must be suitably recorded in accordance with AHIMS site card standards (Appendix D) by a heritage professional and representatives of the RAPs (listed in Section 3.2). The site/s must be integrated into the cultural inductions (Section 6.4) to ensure all personnel are aware of the location and to avoid inadvertent impacts during the construction.
Where avoidance cannot be achieved:
<p>Open artefact sites (stone, animal bone and shell)</p> <p>For sites of low to moderate archaeological significance, surface collection will be employed prior to project impact. The collection will be undertaken by qualified archaeologists and RAP representatives. The collection method will be as per Section 5.2.1.</p>
<p>Unexpected Sites definition: rarer site types and/or features not expected to occur in the project area (i.e., high density artefact or midden material concentrations, grinding grooves, modified trees, engravings, stone arrangements, ceremonial sites)</p> <p>As other site types have a very limited chance of being identified in the project area, no specific management methodology has been devised.</p> <p>If Unexpected Sites are identified, a salvage method must be prepared by the project archaeologist in consultation with RAPs and Heritage NSW. This may be established through an extraordinary meeting with RAPs or through letter correspondence with a reasonable timeframe for review.</p> <p>For sites of high archaeological significance, or with potential to be of high archaeological significance through the identification of a significant PAD, as determined by the project archaeologist, test excavation may be employed to a methodology prepared in consultation with Hunter Water, Heritage NSW and RAPs.</p> <p>Any salvage activity to such sites may require additional assessment and approvals as dictated by Heritage NSW and would require a report on the methods and results of the exercise.</p>
Post fieldwork
<p>Once the archaeological on-site activities are complete to the satisfaction of the heritage professional in consultation with the RAPs, construction activities may continue after the written approval of Heritage NSW.</p> <p>All archaeological activities should involve suitable analysis of cultural materials. Chronological, paleoenvironmental and sedimentological samples should be suitably analysed and documented in a report that is provided to Heritage NSW.</p>

5.3.2 Discovery of Skeletal/Human Remains

In the event that known or suspected human skeletal remains are encountered during the activity, the procedure presented in **Table 5.2** must be applied.

Table 5.2 Procedure For The Discovery Of Potential Aboriginal Ancestral Remains

Stage	Actions
1. Stop work and secure site	<ul style="list-style-type: none"> • All work must STOP in the vicinity of the remains. • The immediate vicinity will be secured to protect the find and the find will be immediately reported to the person in charge of the activity e.g., Project Manager, Foreman, Environmental Representative who will immediately advise the site management. • A no-go zone will be established around the immediate area of the site. • Complete review of activities to enable compliance and continued operations.
2. Notification to authorities and stakeholders	<ul style="list-style-type: none"> • The site manager should notify NSW Police of the discovery as soon as possible. All subsequent steps will be dictated by the NSW Police. • Contact the project archaeologist and RAPs (listed in Section 3.2) to brief them on the evolving situation. • If advised by Police, engage suitably qualified archaeologist or forensic anthropologist to assist Police in monitoring of skeletal material.
3. Determination of the find and further notification	<ul style="list-style-type: none"> • If it is determined that the skeletal material is of ancestral Aboriginal remains, RAPs must be contacted, and consultative arrangements will be made to discuss ongoing care of the remains. • Contact Heritage NSW (1300 361 967) or the NSW Environment Line (131 555) to notify them of the find. • Engage project archaeologist to assist and/or facilitate management of the Aboriginal ancestral remains with RAPs and Hunter Water. • Proceed to Step 4.
	<p>If the skeletal material is not human, resume work. Ensure determination of non-human material is provided by relevant experts (eg Coroner or Police) before resuming work.</p>
	<p>If the remains are historic but non-Aboriginal human remains, the NSW Heritage Council (or delegate of the Heritage Council) will be consulted to determine requirements in accordance with the NSW <i>Heritage Act 1977</i> and relevant guidelines. Further actions are likely to require adherence with the following NSW Heritage Council guidelines:</p> <ul style="list-style-type: none"> • Conservation Management Documents: Guidelines on Conservation Management Plans and other Management Documents. • Skeletal Remains; Guidelines for Management of Human Skeletal Remains.

Stage	Actions
	<p>If the remains are non-Aboriginal and non-historic human remains, Hunter Water is to coordinate involvement of police. Works will not proceed until written approval is granted from relevant authorities.</p>
<p>4. Initial planning and reporting if it is determined that the remains are Aboriginal ancestral remains.</p>	<ul style="list-style-type: none"> • Aboriginal ancestral remains certificate to be submitted to the Police/Coroner to address the Coroners Act. • In consultation with RAPs, Heritage NSW and archaeologist, establish investigation area and any additional protocols to be adhered to during further investigation. The investigation will aim to establish whether any other burials are within or likely to occur nearby. Suitable methods could include controlled and monitored hand or machine excavation and/or non-invasive techniques such as geophysical techniques. • Engage an archaeologist to record the site and undertake significance and impact assessment of the burial site with RAPs and archaeologist. Site recordings must involve drawings and photography. Additional technical studies and samples may be taken with the consent of RAPs such as those for dating and biological information (e.g., age, sex and health of deceased). • Record burial site on AHIMs register, noting any restricted access requirements requested by RAPs.
<p>5. Engagement with Environmental Representative to determine whether disturbance of the burial site(s) can be avoided.</p>	<ul style="list-style-type: none"> • Explore and demonstrate options have been considered for site avoidance, if RAPs desire for the skeletal material to remain in-situ. <p>If the Aboriginal ancestral remains cannot be avoided:</p> <ul style="list-style-type: none"> • Consult with RAPs, Heritage NSW and project archaeologist to facilitate recovery and reburial protocols and actions. Approval for recovery methods must be obtained by relevant authorities prior to any further movement of the remains. • Recovery methods must include: • Exhumation in a controlled archaeological method and in consultation with RAPs and placed into a secure, temperate controlled storage location until a final reburial site can be identified. • Access to the secure storage location containing any human remains will be managed and facilitated by Hunter Water in consultation with RAPs. • RAPs will determine if further studies, media releases or other investigations are appropriate for the finds. • Where required, Hunter Water will help facilitate any culturally appropriate reburial or ceremonial methods. • Prepare report for Heritage NSW and RAPs on the outcome of relevant investigation, recovery and reburial outcomes. • Update ACHMSP. • Works will not recommence until written approval is received from relevant authorities.

Stage	Actions
	<p>If the Aboriginal ancestral remains can be avoided:</p> <ul style="list-style-type: none"> • develop appropriate management and mitigation measures in consultation with RAPs, Heritage NSW and project archaeologist; • prepare report for DPE, Heritage NSW and RAPs; • update ACHMSP; and • works will not recommence until written advice is provided from the project archaeologist that the remains are suitably protected and away from project impacts.

5.4 Management of Salvaged Aboriginal Objects

5.4.1 Temporary Storage of Salvaged Objects

Artefacts salvaged under the provisions of this ACHMSP will be temporarily stored at the Hunter Water Corporation office, Honeysuckle Drive, Newcastle, NSW.

Hunter Water may temporarily release salvaged objects to qualified consultants for the purposes of analysis and reporting, providing that the consultant nominates the storage location, and that the location is safe and lockable.

5.4.2 Long-term Care of Salvaged Objects

The long-term management of salvaged Aboriginal objects is an aspect of cultural heritage management driven by the desires of local Aboriginal community. Salvaged Aboriginal objects are typically either stored in a long-term facility (known as a 'keeping place') or reburied on Country in an area that will receive long term protection from further development or other impacts. In some instances, a mixture of both options is adopted.

In this instance, all salvaged objects will be reburied on Country as per the **Section 5.4.2.1**.

5.4.2.1 Care Agreement Not Required – Reburial of Objects

The proposed reburial methodology would adhere to the Code of Practice (DECCW 2010b) this would include the following steps:

- A location close to the project owned by Hunter Water that is designated to be avoided by development in perpetuity will be selected by Hunter Water in consultation with RAPs.
- Completion of full artefact catalogue including photographic and drawn records for diagnostic artefacts.
- Production of the catalogue in hardcopy and softcopy to be included with the artefacts.

- All stone artefacts would be individually bagged and tagged with the artefact ID, provenance and project details written on the outside of the bags as well as individual tags so that they can be referenced back to the catalogue.
- All artefacts would be double bagged in good quality plastic zip-lock bags – The artefact and catalogue would be placed in a suitable impervious and permanent container which would also be labelled as above.
- A site update card would be forwarded to the AHIMS registrar with information on the location and depth of reburial.

6.0 Compliance, Training, Review and Improvement

6.1 Key Points

- This section provides information to ensure the ACHMSP is complied with during the project; training requirements and processes and procedures to manage complaints and non-conformances.
- Criteria and timing for revisiting and updating the ACHMSP is provided in this section.

6.2 Compliance And Auditing

6.2.1 Measuring Performance

Actions undertaken under the plan will be reported as part of required Independent Environmental Audits (CoC A23) to DPE. Compliance with the plan will be measured by standard environmental auditing procedures undertaken at regular intervals. The audit may include an assessment of compliance with development consent conditions and may include auditing the following measures:

- salvage of scheduled sites and appropriate management of salvaged materials
- inductions are taking place and include appropriate material, refer to **Section 6.4**
- reporting and managing any newly identified Aboriginal objects in accordance with this plan.

Hunter Water may engage a heritage consultant to assist with reporting compliance as part of an Independent Environmental Audit. Any incidents and non-compliance notifications will follow requirements set out in **Sections 6.2.2** and **6.2.3** of this ACHMSP.

6.2.2 Complaints

The complaints management system required under CoCs B4–B7 will apply to the works associated with this ACHMSP. Complaints will be recorded and considered in improvements and subsequent updates of the ACHMSP.

6.2.3 Incident Reporting

In accordance with CoC A26 Hunter Water will immediately notify DPHI and any other relevant agencies after it becomes aware of an incident resulting in unauthorised Aboriginal heritage impacts. The notification will be in writing through DPHI's Major Project Website portal and identify the development (including the development application number and name) and set out the location and nature of the incident. Subsequent notification must be given in accordance with CoC A27.

The development consent defines an 'incident' as:

"An occurrence or set of circumstances that causes or threatens to cause material harm and which may or may not be or cause a non-compliance".

Material harm is defined as:

"harm to the environment that:

involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial, or

results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)".

6.3 Non-compliance Reporting

The development consent defines a 'non-compliance' as:

"An occurrence, set of circumstances or development that is a breach of this approval".

In accordance with CoC A28 Hunter Water will, within seven days of becoming aware of an Aboriginal heritage non-compliance, notify DPHI of the non-compliance. The notification will be in writing through DPE's Major projects Website portal and identify the development (including the development application number and name), set out the condition of this consent that the development is non-compliant with, why 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.

The Site Manager (or delegate) is responsible for reporting to DPHI any occurrence or set of circumstances that that has breached any conditions of consent relating to Aboriginal heritage.

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

Investigation into a non-compliance will include:

- a clear description of the non-compliance, and its actual/potential harm to Aboriginal objects/cultural materials
- all personnel involved in the non-compliance, their organisation and contact details
- any corrective actions undertaken to address the non-compliance
- next steps, including the need for additional heritage activities and/or requirements to contact DPE/Heritage NSW to advise them of the non-compliance.

Any non-compliance will be considered in improvement of the ACHMSP as outlined in **Section 6.5**.

6.4 Aboriginal Heritage Induction Requirements

6.4.1 Site Inductions

All employees, contractors, sub-contractors involved in ground-disturbing activities will undergo an Aboriginal cultural heritage induction conducted either by a representative of the RAP, the lead contractor or a representative of Hunter Water (once appropriately trained to present the induction), or their subcontractor (once appropriately trained to present the induction). In addition, visitors to the project and general contractors not involved in ground-disturbing activities will be made aware of their obligation to avoid harm to Aboriginal heritage through an Aboriginal heritage component of the general site induction. Records of these inductions will be kept by Hunter Water /its contractors.

The Aboriginal heritage induction/relevant sub-component of the site induction will be planned in consultation with RAPs. Hunter Water will seek input from RAPs regarding appropriate materials for input and key issues that RAPs would like raised to all inductees. This may involve sending relevant draft material (such as induction booklets or slideshow slides) to RAPs for their review and comment within a reasonable timeframe (minimum one week).

The following points will be conveyed through site induction material:

- Aboriginal sites have been identified across the project site and beyond.
- Aboriginal sites are of high significance to the Aboriginal community, are important to the wider community and must be treated with respect.
- Aboriginal sites are protected by law and that development consent includes conditions allowing impacts to certain specified Aboriginal sites in accordance with this plan.
- Recorded Aboriginal sites have included stone artefact sites.
- Aboriginal sites can be hard to recognise, therefore reference must be made to the Aboriginal heritage maps in this ACHMSP in order to clearly identify demarcated site boundaries (in instances prior to the salvage measures being undertaken as part of this plan).
- Certain sites must be protected or salvaged by the project archaeologist and RAPs prior to ground disturbance activities.
- That there are new finds procedures which involve stopping work if suspected new Aboriginal sites or skeletal material is identified on-site.

6.5 Review and Improvement and Data Management

6.5.1 Continual improvement

Continual improvement of this ACHMSP will be achieved by the ongoing evaluation of environmental management performance against environmental policies, objectives and targets for the purpose of identifying opportunities for improvement. The continual improvement process will be designed to:

- identify areas of opportunity for improvement of environmental management which leads to improved environmental performance
- determine the root cause or causes of non-conformances and deficiencies
- develop and implement a plan of corrective and preventative action to address non-conformances and deficiencies
- verify the effectiveness of the corrective and preventative actions
- document any changes in procedures resulting from process improvement.

6.5.2 ACHMSP Review and Updates

The ACHMSP is to be reviewed in accordance with CoC A31, the ACHMSP will be revisited and updated in accordance with CoC A32 if necessary, in the following circumstances:

- where modification to the project occurs that may affect impacts to Aboriginal heritage, i.e., where approved changes to the project change or remove previously planned impacts on Aboriginal heritage where mitigation was proposed in the ACHMSP but is no longer required; and/or
- where complaints and/or non-conformances have been identified that require changes to ensure suitable management of Aboriginal heritage in future stages of the project
- Aboriginal consultation for any updates and/or changes should be undertaken in accordance with **Section 3.5**.

6.5.3 Data and record keeping

Hunter Water will hold a database available in text and GIS format to track the management status of all Aboriginal sites and salvage measures within the project area.

The database must include a record of current management status, location and boundaries of Aboriginal sites, site areas and archaeological sensitivity boundaries.

Hunter Water/its contractors will be responsible for ensuring that all relevant employees, RAPs and subcontractors are provided with up-to-date datasets.

The database will be updated in the following circumstances:

- discovery of a confirmed new Aboriginal site or human remains
- changes or incidents to existing Aboriginal sites
- changes to the management status of Aboriginal sites and areas; and/or
- the completion of Aboriginal heritage activities under this ACHMSP.

Note that any newly identified Aboriginal object must be registered on AHIMS.

7.0 References

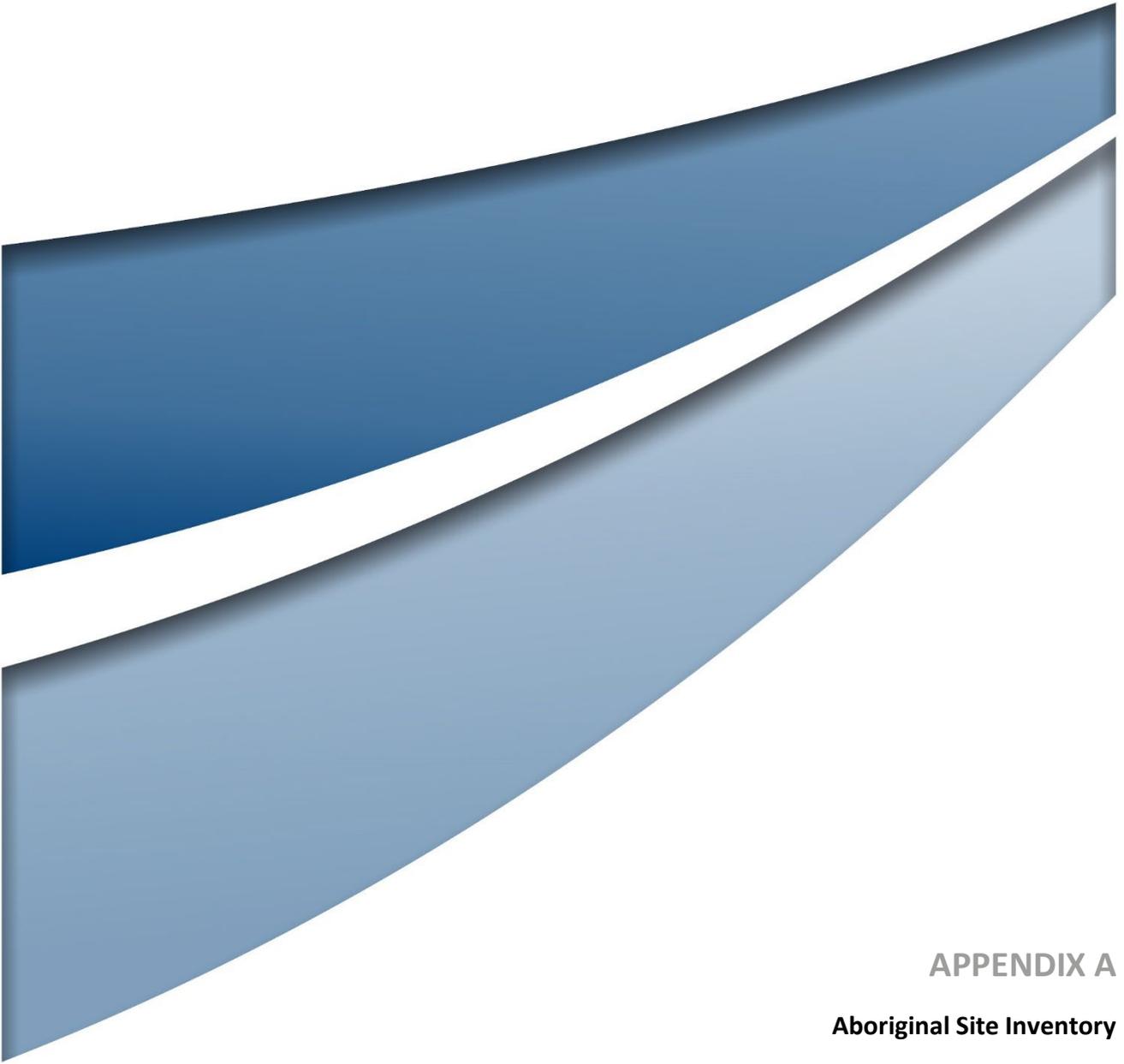
Department of Environment Climate Change and Water (DECCW) 2010a, Aboriginal Cultural Heritage Consultation Requirements for Proponents.

- 2010b, Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW.
- 2010c, Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales.
- 2010d, Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales.

RPS 2019, Belmont Drought Response Desalination Plant Aboriginal Cultural Heritage Assessment Report, prepared for GHD on behalf of Hunter Water.

- Addendum to ACHAR project Area Amendment Addendum to ACHAR project Area Amendment, prepared for GHD on behalf of Hunter Water.

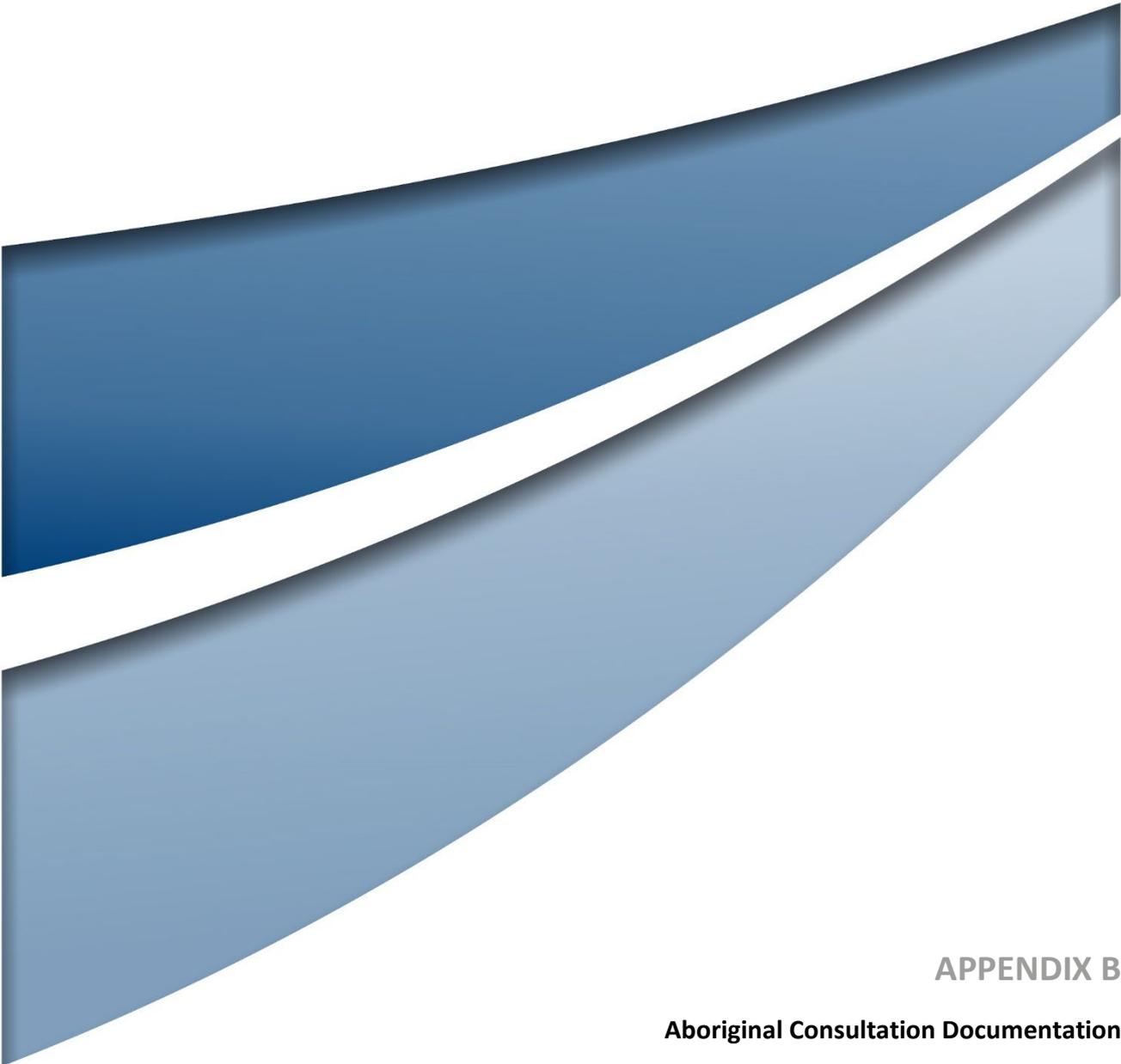
Umwelt Australia Pty Ltd 2024, *Belmont Desalination Permanent Operation, Aboriginal Cultural Heritage Assessment Addendum*. Prepared for Hunter Water.



APPENDIX A
Aboriginal Site Inventory

Site impact and management summary (to be added to if additional sites identified)

Site name	AHIMS No.	Site Type	Significance	Project impact	Management	Status
RPS BEL IF01	45-7-0397	Isolated find	Low	Total	Collection	Incomplete
RPS_IF2	45-7-0402	Isolated find	Low	Total	Collection	Incomplete



APPENDIX B

Aboriginal Consultation Documentation

B.1 RAP Consultation In Developing This Plan and RAP Contact Details

Original Version: October–November 2023

In accordance with CoC C17(a), Umwelt consulted RAPs in developing this plan. Aboriginal consultation for this ACHMSP was approached in a manner consistent with the requirements set out in the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* (DECCW 2010a). Consultation was undertaken with existing RAPs who have been involved in the consultation process since the preparation of the ACHAR.

Umwelt distributed a draft version of this ACHMSP to RAPs on 21 October 2022 for their review and comment by 18 November 2022. Additionally, a follow up email was distributed to RAPs on 15 November 2022 reminding them that the review period would close on 18 November 2022.

Only one response was received, which was from Didge Ngunawal Clan who supported the content of the ACHMSP. Copies of correspondence are provided in this appendix but have been redacted for the public version of this report.

No changes to the ACHMSP resulted from the RAP review period.

Updated Version For Modification – July-September 2024

Following the completion of the addendum to the ACHA for Modification 1 of the project (SSI-8896-Mod-1) (Umwelt 2024), Umwelt distributed a draft version of the updated ACHMSP to RAPs on 30 July 2024 with a request for feedback by 30 August 2024.

Only one response was received, which was from Arthur Fletcher from Kawul Pty Ltd who acknowledged receipt of the document by thanking Umwelt for the email. Copies of correspondence are provided in this appendix.

No changes to the ACHMSP resulted from the RAP review period.

RAP Contact Details

Redacted For Public Version

B.2 Consultation With Heritage NSW

As specified in **Section 2.3**, On 11 November Heritage NSW responded and advised that they would not be providing comment on the draft ACHMSP. Copies of this correspondence is attached in this appendix.

Ryan Desic

From: Nicole Davis <Nicole.Davis@environment.nsw.gov.au>
Sent: Friday, 11 November 2022 9:36 AM
To: Ryan Desic
Cc: Steve Farrar; Kate Radford; Tim Adams; Tommy Zhang
Subject: RE: HNSW Reply - Draft Aboriginal Cultural Heritage Management Plan: Belmont Desalination Plant.

Hi Ryan,

Heritage NSW will only be responding to matters that are lodged via DPE and the MPP, however, we are not reviewing post approval requests at the moment due resourcing issues, DPE are aware of the situation. If post approval matters are referred, I will reponed as agreed to by our Executive. I am endeavouring to undertake recruitment, however, this impact our ability to review the volume of matters referred to us for advice, as such, we are focusing on high risk matters only, ACHMPs are not high risk. I trust this provide some context, I do hope our capacity will improve in 2023.

Regards
Nicole

Nicole Davis
Manager Assessments
Heritage NSW
Department of Planning and Environment

T 02 4927 3156 M 0409 394 343 E nicole.davis@environment.nsw.gov.au
Locked Bag 5020 Parramatta 2124



From: Ryan Desic <rdesic@umwelt.com.au>
Sent: Friday, 11 November 2022 8:35 AM
To: Nicole Davis <Nicole.Davis@environment.nsw.gov.au>
Cc: Steve Farrar <steve.farrar@hunterwater.com.au>; Kate Radford <kate.radford@hunterwater.com.au>; Tim Adams <tadams@umwelt.com.au>; Tommy Zhang <tommy.zhang@hunterwater.com.au>
Subject: RE: HNSW Reply - Draft Aboriginal Cultural Heritage Management Plan: Belmont Desalination Plant.

Hi Nicole,

Thank you for the response. Is the expectation then for Heritage NSW receive the final ACHMP via the DPE planning portal/at the direction of DPE?

Regards,

Ryan Desic
Principal Archaeologist - NSW/ACT Aboriginal Heritage Team Leader

Umwelt (Australia) Pty Limited
Mobile: 0411 329 712

Phone: 1300 793 267

www.umwelt.com.au

Inspired People | Dedicated Team | Quality Outcomes
Newcastle | Orange | Sydney | Canberra | Brisbane | Perth | Melbourne

Please Note:

This email and any files transmitted with it are confidential and are for the use of the intended recipient only. If you have received this email in error, please notify us immediately and delete all copies of this email and attachments. We maintain regular virus checks; however, before opening or using any attachments, check them for viruses and defects. Contents which do not relate to the formal business of Umwelt (Australia) Pty Limited are not endorsed by the company.

Please consider the environment before printing this email

From: Nicole Davis <Nicole.Davis@environment.nsw.gov.au>
Sent: Friday, 11 November 2022 8:15 AM
To: Ryan Desic <rdesic@umwelt.com.au>
Cc: Steve Farrar <steve.farrar@hunterwater.com.au>; Kate Radford <kate.radford@hunterwater.com.au>; Tim Adams <tadams@umwelt.com.au>; Tommy Zhang <tommy.zhang@hunterwater.com.au>
Subject: HNSW Reply - Draft Aboriginal Cultural Heritage Management Plan: Belmont Desalination Plant.

Hi Ryan,

Thank you for your email. Heritage NSW does not review drafts, however, please keep this email as evidence of consultation.

Kind Regards
Nicole Davis

Nicole Davis
Manager Assessments
Heritage NSW
Department of Planning and Environment

T 02 4927 3156 M 0409 394 343 E nicole.davis@environment.nsw.gov.au
Locked Bag 5020 Parramatta 2124



From: Ryan Desic <rdesic@umwelt.com.au>
Sent: Friday, 21 October 2022 4:39 PM
To: OEH HD Heritage Mailbox <HERITAGEMailbox@environment.nsw.gov.au>
Cc: Steve Farrar <steve.farrar@hunterwater.com.au>; Kate Radford <kate.radford@hunterwater.com.au>; Tim Adams <tadams@umwelt.com.au>; Tommy Zhang <tommy.zhang@hunterwater.com.au>
Subject: FW: Draft Aboriginal Cultural Heritage Management Plan: Belmont Desalination Plant.

Dear Heritage NSW,

This email is in relation to the State Significant Development (SSD) Belmont Desalination Plant at Belmont South NSW (proponent Hunter Water Corporation). The attached draft Aboriginal Cultural Heritage Management Plan (ACHMP) is required in accordance with development consent that was granted for the project in July 2022. This plan incorporates the relevant management measures presented in the project Aboriginal Cultural Heritage Assessment Report (ACHAR)

(RPS 2019) submitted as part of the EIS, the Addendum to the ACHAR (RPS 2020) supporting the AR, and conditions of consent relating to Aboriginal cultural heritage.

In accordance with the project conditions of consent, we are required to consult with Heritage NSW about the draft ACHMP. As a start to this consultation, we have attached the draft ACHMP which has concurrently been supplied to RAPs for their 28 day review period. As the approval of this document is very time sensitive, we have provided it to HNSW concurrently to gather any feedback about the ACHMP that you would like to make prior to its lodgement with the Department of Planning and Environment.

I would be more than happy to speak further with an assigned assessing officer about the draft plan. Please feel free to pass on my contact details.

Ryan Desic
Principal Archaeologist - NSW/ACT Aboriginal Heritage Team Leader

Umwelt (Australia) Pty Limited
Mobile: 0411 329 712
Phone: 1300 793 267

www.umwelt.com.au

Inspired People | Dedicated Team | Quality Outcomes
Newcastle | Orange | Sydney | Canberra | Brisbane | Perth | Melbourne

Please Note:

This email and any files transmitted with it are confidential and are for the use of the intended recipient only. If you have received this email in error, please notify us immediately and delete all copies of this email and attachments. We maintain regular virus checks; however, before opening or using any attachments, check them for viruses and defects. Contents which do not relate to the formal business of Umwelt (Australia) Pty Limited are not endorsed by the company.

Please consider the environment before printing this email

From: Ryan Desic
Sent: Friday, 21 October 2022 4:23 PM
Cc: Kate Radford <kate.radford@hunterwater.com.au>; Steve Farrar <steve.farrar@hunterwater.com.au>; Tommy Zhang <tommy.zhang@hunterwater.com.au>; Tim Adams <tadams@umwelt.com.au>
Subject: Draft Aboriginal Cultural Heritage Management Plan: Belmont Desalination Plant.

Dear Registered Party,

Thank you for your continued involvement in Aboriginal consultation for the proposed Belmont Desalination Plant at Belmont South NSW (proponent Hunter Water Corporation). The attached draft Aboriginal Cultural Heritage Management Plan (ACHMP) is required in accordance with development consent that was granted for the project in July 2022. This plan incorporates the relevant management measures presented in the project Aboriginal Cultural Heritage Assessment Report (ACHAR) (RPS 2019) submitted as part of the EIS, the Addendum to the ACHAR (RPS 2020) supporting the AR, and conditions of consent relating to Aboriginal cultural heritage.

In accordance with the draft ACHMP, Project Registered Aboriginal Parties are being offered 28 days to review and provide any feedback about the draft ACHMP (attached). As such, please provide any comments **by 18 November 2022**. In particular, there are sections in the ACHMP **highlighted in grey** which require RAP feedback to determine the final management option, this specifically refers to the long-term management of any salvaged Aboriginal objects.

Thank you for your time, and we look forward to any feedback you wish to provide.

Ryan Desic
Principal Archaeologist - NSW/ACT Aboriginal Heritage Team Leader

Umwelt (Australia) Pty Limited

Mobile: 0411 329 712

Phone: 1300 793 267

www.umwelt.com.au

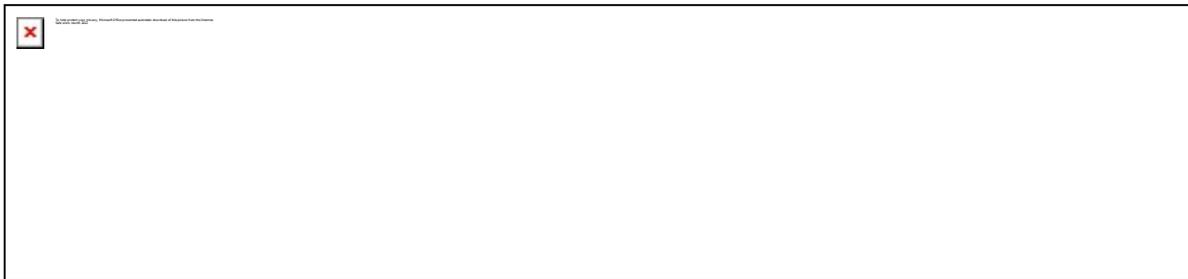
Inspired People | Dedicated Team | Quality Outcomes

Newcastle | Orange | Sydney | Canberra | Brisbane | Perth | Melbourne

Please Note:

This email and any files transmitted with it are confidential and are for the use of the intended recipient only. If you have received this email in error, please notify us immediately and delete all copies of this email and attachments. We maintain regular virus checks; however, before opening or using any attachments, check them for viruses and defects. Contents which do not relate to the formal business of Umwelt (Australia) Pty Limited are not endorsed by the company.

Please consider the environment before printing this email

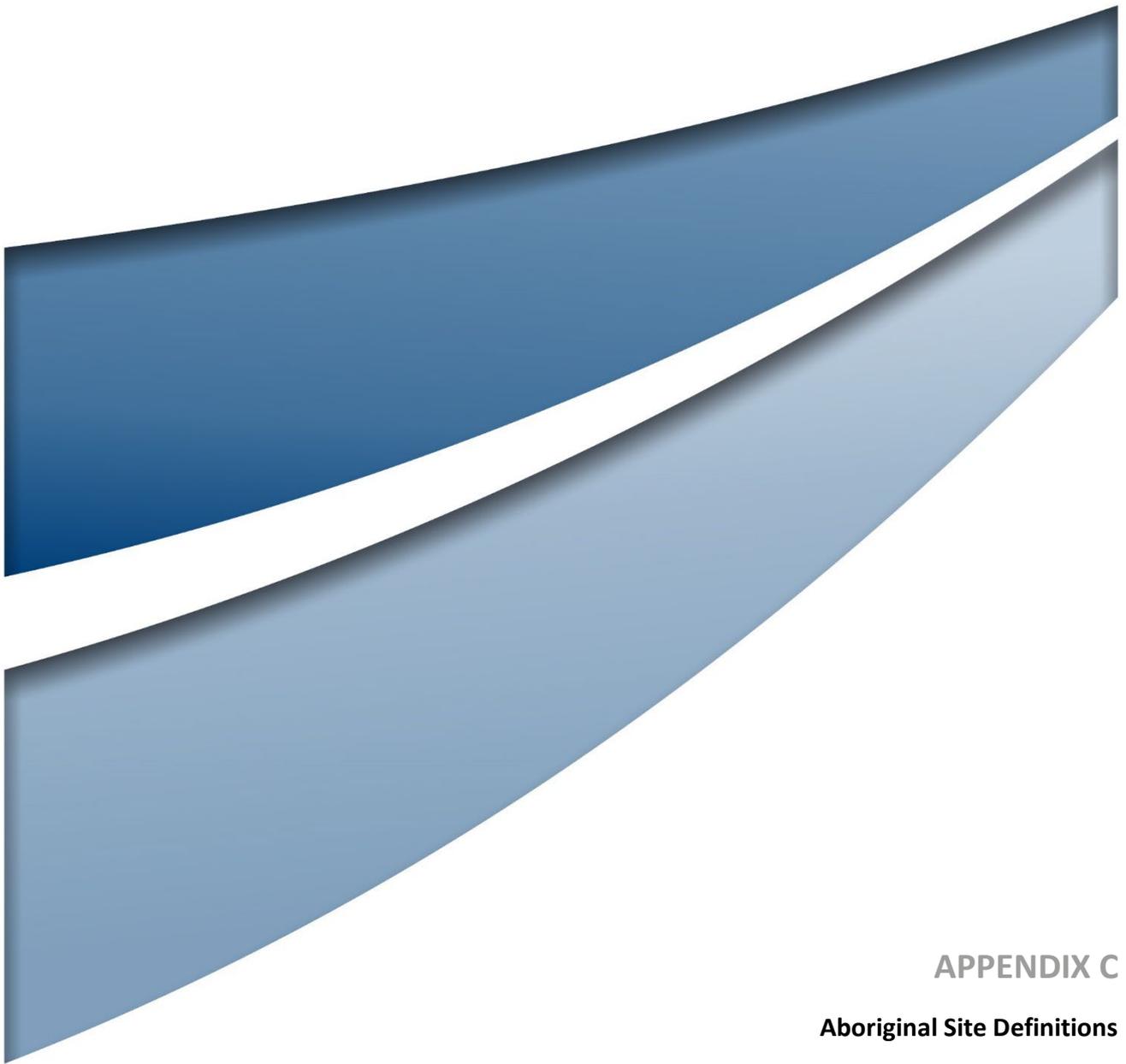


This email is intended for the addressee(s) named and may contain confidential and/or privileged information. If you are not the intended recipient, please notify the sender and then delete it immediately. Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment, Energy and Science.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

This email is intended for the addressee(s) named and may contain confidential and/or privileged information. If you are not the intended recipient, please notify the sender and then delete it immediately. Any views expressed in this email are those of the individual sender except where the sender expressly and with authority states them to be the views of the NSW Office of Environment, Energy and Science.

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS EMAIL

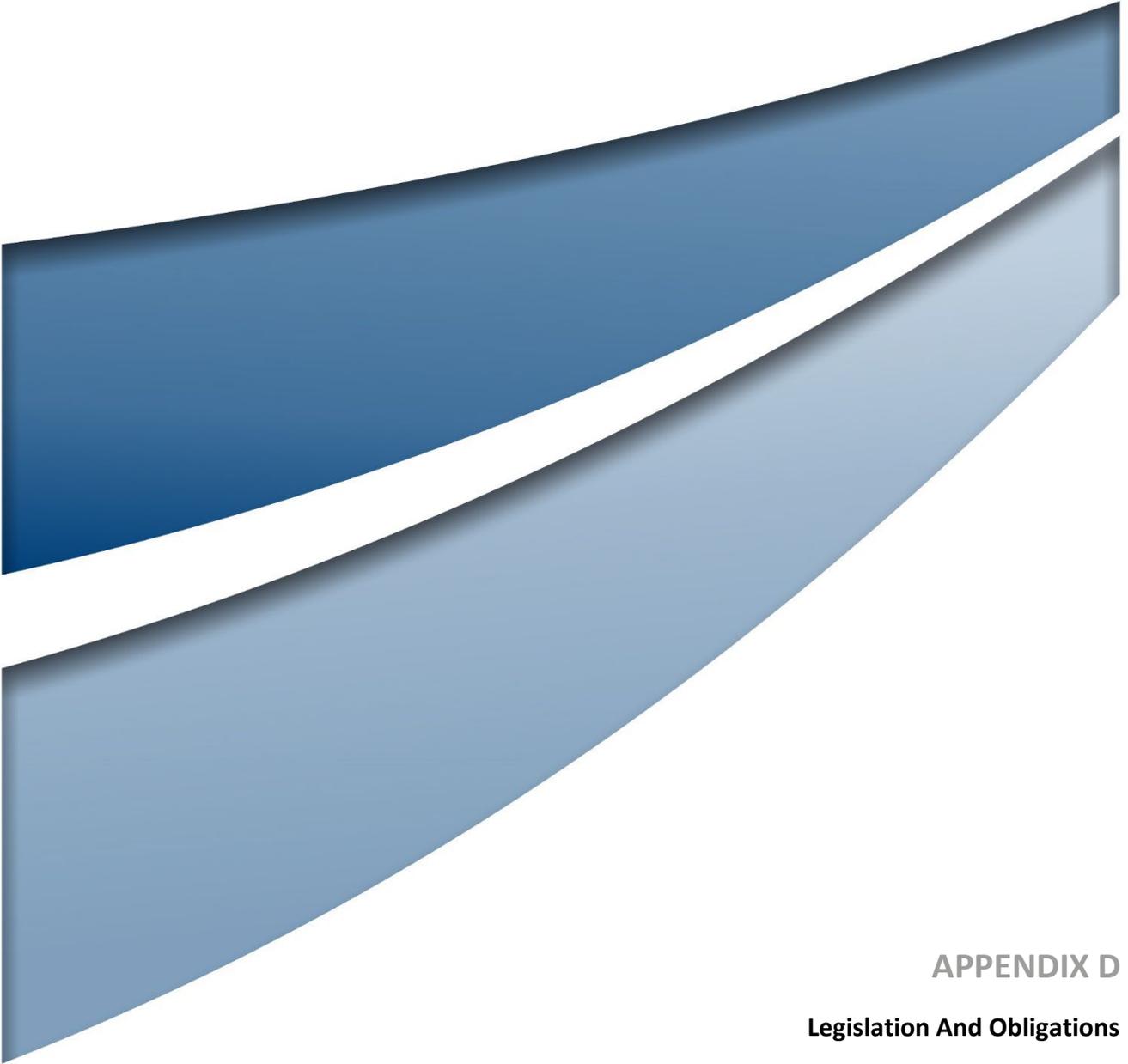


APPENDIX C

Aboriginal Site Definitions

A description of terms used to describe different site features that should be used as a guide when identifying and interpreting Aboriginal site types.

Site feature	Definition and recording methods
Aboriginal ceremony and Dreaming	Previously referred to as mythological sites these are spiritual/story places where no physical evidence of previous use of the place may occur, e.g., natural unmodified landscape features, ceremonial or spiritual areas, men's/women's sites, dreaming (creation) tracks, marriage places etc.
Artefact site (open stone artefact site)	Objects such as stone tools, and associated flaked material, spears, manuports, grindstones, discarded stone flakes, modified glass or shell demonstrating evidence of use of the area by Aboriginal people.
Burials	A traditional or contemporary (post-contact) burial of an Aboriginal person, which may occur outside designated cemeteries and may not be marked, e.g., in caves, marked by stone cairns, in sand areas, along creek banks etc.
Fish trap	A modified area on watercourses where fish were trapped for short-term storage and gathering.
Grinding grooves	Grinding grooves are defined as an area of outcropping bedrock containing evidence of one or more grinding grooves where ground-stone hatchets or other grinding practices (i.e., seed grinding) were implemented.
Habitation structure	Structures constructed by Aboriginal people for short- or long-term shelter. More temporary structures are commonly preserved away from the NSW coastline, may include historic camps of contemporary significance. Smaller structures may make use of natural materials such as branches, logs and bark sheets or manufactured materials such as corrugated iron to form shelters. Archaeological remains of a former structure such as chimney/fireplace, raised earth building platform, excavated pits, rubble mounds etc.
Modified tree (carved or scarred)	Trees which show the marks of modification as a result of cutting of bark from the trunk for use in the production of shields, canoes, boomerangs, burials shrouds, for medicinal purposes, foot holds etc., or alternately intentional carving of the heartwood of the tree to form a permanent marker to indicate ceremonial use/significance of a nearby area, again these carvings may also act as territorial or burial markers.
Potential archaeological deposit (PAD)	<p>An area where Aboriginal objects may occur below the ground surface.</p> <p>The term 'potential archaeological deposit' was first applied in Sydney regional archaeology in the 1980s and referred to rockshelters that were large enough and contained enough accumulated deposit to allow archaeologists to predict that subsurface cultural material was likely to be present. Since then, the term has come to include open sites where the same prediction can be made.</p> <p>Unless previously identified, it is considered unlikely that a PAD would be classified through an unexpected finds process.</p>
Shell	An accumulation or deposit of shellfish from beach, estuarine, lacustrine or riverine species resulting from Aboriginal gathering or consumption. Usually found in deposits previously referred to as shell middens. Must be found in association with other objects like stone tools, fish bones, charcoal, fireplaces/hearths, and burials. Will vary greatly in size and composition.
Stone quarry	<p>Usually, a source of good quality stone which is quarried and used for the production of stone tools.</p> <p>Stone quarries represent where Aboriginal people gathered raw stone materials for stone tools and/or manufactured stone tools from the adjacent source material. Quarry sites are found at rock outcrops where the material was of suitable quality to have been used to manufacture stone tools. Stone quarries were defined by the presence of outcropping stone material with nearby evidence of the same material type used in the stone tool manufacture process. This was most commonly indicated by large stone cores or stone flakes distributed amongst the same naturally outcropping material.</p>



APPENDIX D

Legislation And Obligations

Obligation To Protect Aboriginal Cultural Heritage

National Parks and Wildlife Act 1974

The *National Parks and Wildlife Act 1974* (NPW Act) provides protection for Aboriginal objects and places across NSW:

- An Aboriginal object is defined as: Any deposit, object or material evidence (not being a handcraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains.
- An Aboriginal place is: *any place declared to be an Aboriginal place under section 84*. This is a very specific piece of legislation that provides process and management of Aboriginal sites of cultural, but not necessarily scientific, values. They are commonly, but not always associated with intangible values.
- any place declared to be an Aboriginal place by the Minister for the Environment, under Section 84 of the Act.

Obligation to Avoid Harm

All employees, contractors, sub-contractors and visitors to the project have an obligation to avoid harming Aboriginal heritage unless engaged in an Aboriginal heritage management activity described in this plan.

The NPW Act defines “harm” to an object or place as any act or omission that:

- a. destroys, defaces or damages the object or place, or
- b. in relation to an object-moves the object from the land on which it had been situated, or
- c. is specified by the regulations, or
- d. causes or permits the object or place to be harmed in a manner referred to in paragraph (a), (b) or (c), but does not include any act or omission that:
- e. desecrates the object or place, or
- f. is trivial or negligible, or
- g. is excluded from this definition by the regulations.

Obligation to Protect and Implement Management Measures

Site personnel, contractors and subcontractors responsible for land management or construction have an obligation to protect Aboriginal heritage within their area or work responsibility. This extends to both cultural materials identified as part of earlier phases of the project, and any additional cultural materials identified during construction. Protection means active recognition of known Aboriginal heritage and active measure to avoid and/or suitably mitigate Aboriginal heritage.

This may include fencing, erosion control and modification of work plans to avoid impacts to Aboriginal heritage, as well as facilitating a process where work personnel are aware of the nearby heritage. Site personnel, contractors and subcontractors also have the responsibility to ensure that appropriate management measures have been employed prior to, or in association with, their activities which impact Aboriginal sites.

Statutory Reporting Requirements

Notifications to Heritage NSW are required in relation to discovery, impact and care of Aboriginal objects under the NPW Act. This will be the responsibility of the Site Manager.

Discovery of Aboriginal Objects

Under Section 89A of the NPW Act, it is a requirement that Heritage NSW is notified of the existence of Aboriginal objects as soon as practicable after they are first identified. This is done through the completion of the Heritage NSW Aboriginal Site Card which is submitted to the Registrar of AHIMS for inclusion on the Aboriginal site database. Information regarding AHIMS and site recording forms can be downloaded from Heritage NSW's website:

<http://www.environment.nsw.gov.au/licences/DECCAHIMSSiteRecordingForm.htm>.

Care Agreements

Under s85A of the NPW Act, Aboriginal objects remain the property, and under the protection of, the Crown until formal transfer to a person or persons of a class prescribed by the regulations occurs. A Care Agreement is not currently determined under this plan; however, may be pursued in the future if Aboriginal objects are identified to a level of significance that the RAPs wish to retain such objects.

Care Agreement application forms can be downloaded at:

<https://www.environment.nsw.gov.au/topics/aboriginal-cultural-heritage/protect-and-manage/care-agreements>.

Reporting Impact to Aboriginal Sites

An Aboriginal Site Impact Recording Form must be completed following impacts to AHIMS sites that are:

- a result of test excavation carried out in accordance with the Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW;
- authorised by an Aboriginal Heritage Impact Permit (AHIP) issued by Heritage NSW;
- undertaken for the purpose of complying with Secretary's environmental assessment requirements issued by DPE for:
 - state significant development (SSD),
 - state significant infrastructure (SSI), or

- a major project, or
- authorised by a SSD/SSI approval under the EP&A Act.

Completed forms must be submitted to the AHIMS Registrar at ahims@environment.nsw.gov.au.

Aboriginal Site Impact Recording Forms can be downloaded at:

<https://www.environment.nsw.gov.au/resources/cultureheritage/aboriginal-site-impact-recording-form-120558.pdf>.