



Jemena

**LENAGHAN LATERAL PIPELINE
PROJECT**

Aboriginal Cultural Heritage Management Plan

FINAL

November 2023



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Aboriginal Cultural Heritage Management Plan

FINAL

Prepared by
Umwelt (Australia) Pty Limited
on behalf of
Jemena

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QMS Certification Services

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

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1.0 Introduction

1.1 Background

Jemena has infrastructure approval to modify the Killingworth to Kooragang Island Gas Pipeline (SSI-46360740-Mod-1). The approved modification is to allow for bi-directional flow of gas between the Jemena Gas Network (JGN) Lenaghan Lateral Pipeline and the approved Kurri Kurri Power Station (KKPS), currently being developed by Snowy Hydro, via APA's proposed Kurri Kurri Lateral Pipeline Project (KKLP) (CSSI – 22338205). The Modification will extend from the existing gas pipeline, known as the Killingworth to Kooragang Island Pipeline, near the Hexham Swamp (Hunter Wetlands National Park) to Lenaghans Drive (the Modification Area).

The Killingworth to Kooragang Island Pipeline was approved under now-repealed provisions and has since been designated as State Significant Infrastructure (SSI-46360740-Mod-1) under part 5, division 5.2 of the *NSW Environmental Planning and Assessment Act 1979* (EP&A Act). The Modification will involve the construction, operation and maintenance of an underground gas pipeline, a meter station and associated infrastructure as further described in **Table 1.1**. The Modification and its regional context are shown on **Figure 1.1**.

An environmental impact statement (EIS) was prepared to accompany the Modification application for SSI-46360740-Mod-1 and address the requirements of State agencies under the EP&A Act (Umwelt 2022b). Development consent (the consent) was granted by the Department of Planning and Environment (DPE) on 9 August 2023 and forms part of a consolidated approval for the Killingworth to Kooragang Island Gas Pipeline project. Schedule A of consolidated approval requires preparation and implementation of management plans, strategies, protocols and procedures detailing environmental commitments, controls and performance objectives throughout Modification construction and operation for the Modification.

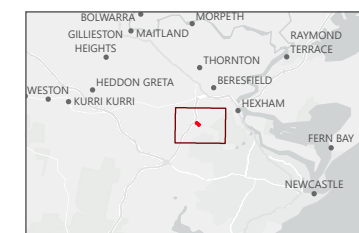
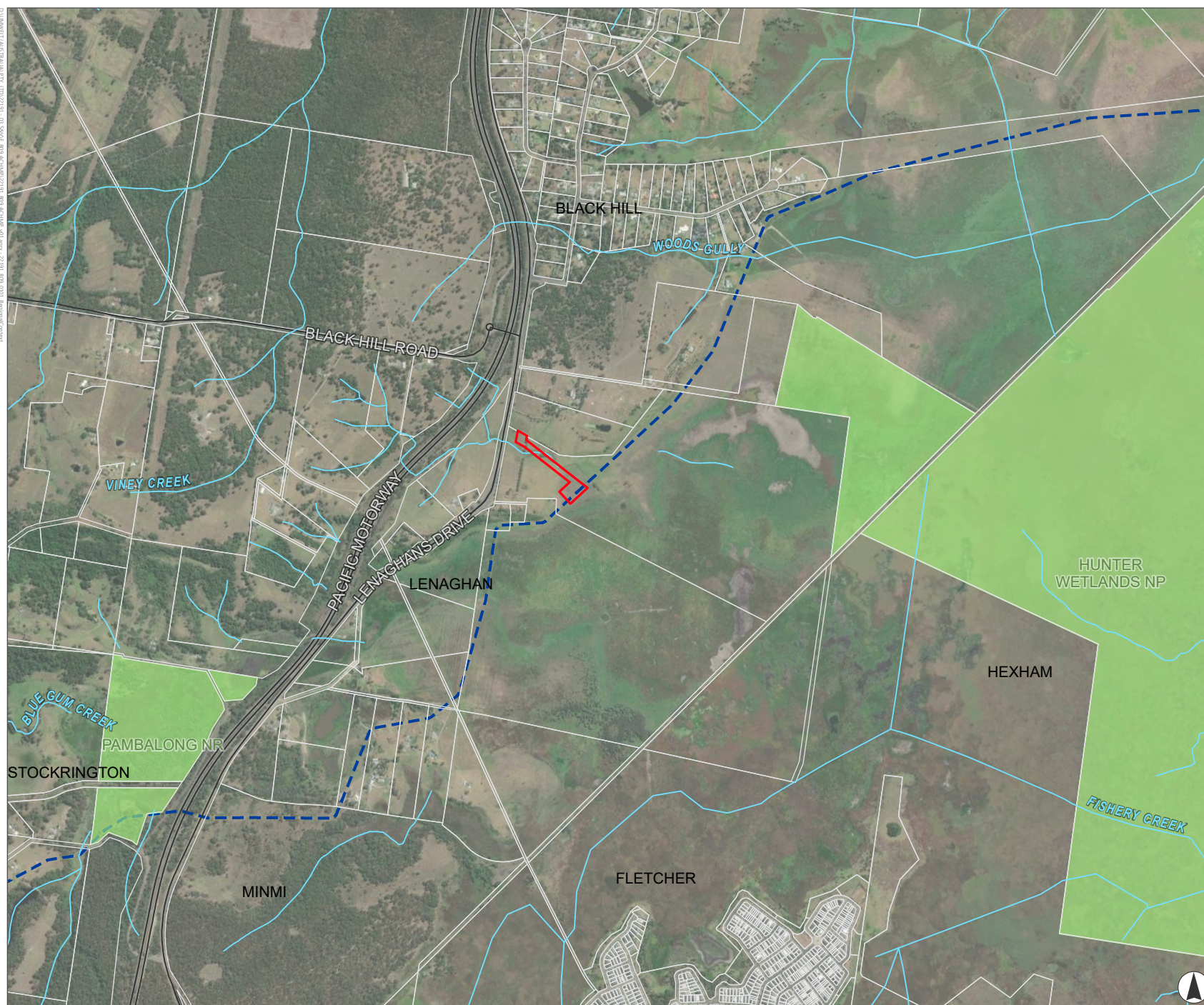
This Aboriginal Cultural Heritage Management Plan (ACHMP or 'the plan') is required in accordance with Condition of Approval (CoA) B13 and associated protocols, management and mitigations set out for Aboriginal heritage in the consent.

This plan incorporates the relevant management measures presented in the Modification Aboriginal Cultural Heritage Assessment (ACHA) (Umwelt 2022a) submitted as part of the EIS and CoA relating to Aboriginal cultural heritage.

FIGURE 1.1
The Project -
Regional Context

Legend

- Modification Area
- NPWS Reserves
- Cadastre Boundaries
- Existing Killingworth to Koorangang Island Gas Pipeline
- Roads
- Watercourse



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1.2 Modification Overview

1.2.1 Modification Summary

A summary of the key Modification elements is presented in **Table 1.1**. An overview of the key features of the Modification is provided in **Table 1.1**. The Modification footprint referenced throughout this report represents the Modification area specific to the Killingworth to Kooragang Island Pipeline, and in which ground disturbance activities are approved to occur.

Table 1.1 Modification Summary

Modification Element	Modification Area Summary
The Modification	<p>The Modification will involve the construction, operation and maintenance of the following:</p> <ul style="list-style-type: none"> • A buried, medium diameter (up to DN350), pipeline spanning approximately 400 m. The construction footprint will encompass 25 m (width). Trenches for the pipeline will be excavated to a depth of approximately 1,350 mm to achieve a depth of cover of 900 mm. • A Jemena meter station located at the western end of the Modification Area, with associated auxiliary infrastructure including additional piping and an amenities hut. • Temporary ancillary facilities such as laydown areas (150 m²), car parking facilities and stockpile areas (1,600 m²).
Location	<p>The Modification Area is located at 141a Lenaghans Drive Lenaghan, New South Wales (NSW), approximately 17 km west of Newcastle and approximately 15 km east of Kurri Kurri. The Modification Area is situated within the Newcastle Local Government Area (LGA).</p>
Construction Footprint	<p>The Modification will encompass an area of approximately 1.7 ha. This footprint is inclusive of the ancillary infrastructure outlined above.</p> <p>Prior to construction, clearing and grading of the construction footprint will be required to remove any vegetation and provide a safe and efficient area for construction activities. Graders, bulldozers and excavators would be used to clear and level the construction footprint. A construction footprint width of 30 m will be cleared and graded for the pipeline construction. This cleared vegetation will be stockpiled in designated stockpile areas. In addition, topsoil will be stripped to depths defined by soil surveys, typically over the full width of the construction footprint. Topsoil will be stripped to the full depth above the trench to avoid mixing with subsoil and stockpiled in designated stockpile areas adjacent to vegetation stockpiles.</p> <p>Access tracks, pipe laydown areas and extra workspaces will be constructed during the clear and grade phase.</p>
Schedule of Lands	<p>The Modification Area is situated within Lot 453 DP807778.</p>

1.2.2 Aspects and Impacts

The Modification will involve a range of construction activities, requiring various heavy machinery, plant and equipment. General construction activities will require the clearing of vegetation, removal of topsoil, track grading and the stockpiling of displaced vegetation and soils. All ground disturbance activities associated with the Modification (including vegetation clearance and earthworks for the laydown areas) will be located within the bounds of the Modification Area. **Table 1.2** lists those construction activities that will impact or have the potential to impact Aboriginal heritage (if present). This information will form the

foundation of the avoidance mitigation measures in this ACHMP and how they will be implemented in an effective and pragmatic manner.

Table 1.2 Aspects and Impacts

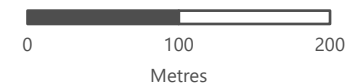
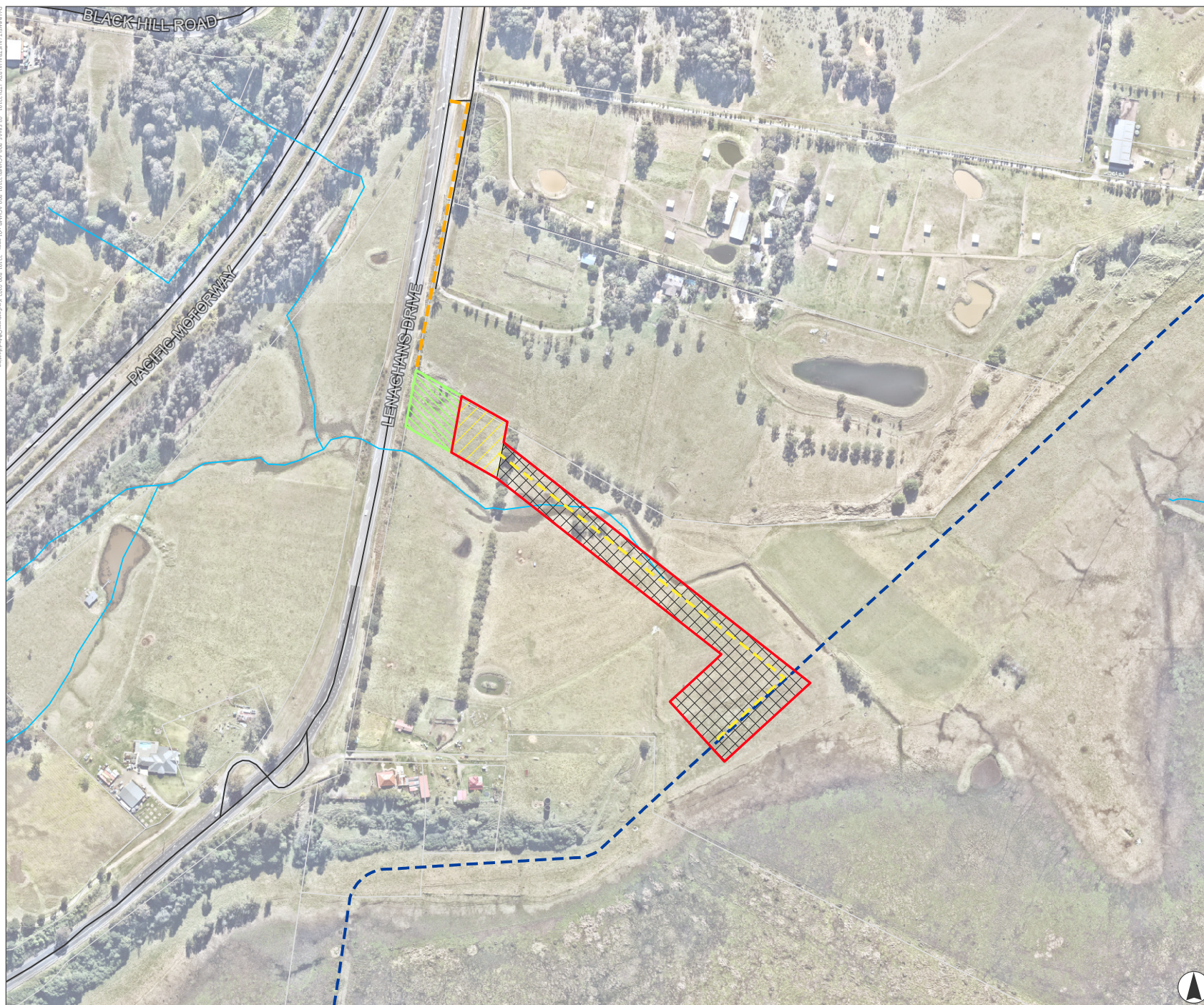
Modification Aspect	Activity Causing Impact/Potential Impact to Aboriginal Heritage
Construction of and modification to the existing pipelines within the Killingworth to Kooragang Island Pipeline and Kurri Kurri Lateral Pipeline.	Trenching and earthworks within A-horizon soils.
Construction of the meter station and ancillary infrastructure.	Trenching and earthworks within A-horizon soils.
Vegetation clearance, grading and stockpiling prior to construction commencement.	Removal and/or disturbance of shallow A-horizon soils during grading works and/or vegetation removal. Construction of workspaces that involve the disturbance of the ground surface and/or are proposed on areas with recognised archaeological potential (PAD).
Access tracks to provide access to the construction areas.	Where access track construction will involve the disturbance of the ground surface and/or are proposed on areas with known surface Aboriginal objects.

FIGURE 1.2

Key Features of the Modification

Legend

- Modification Area
- Pipeline Construction Footprint
- APA Meter station (Approved)
- Jemena Meter Station
- Cadastre Boundaries
- Proposed Access (Approved)
- Existing Killingworth to Kooragang Island Gas Pipeline
- Pipeline Alignment
- Roads
- Watercourse



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1.3 Purpose and Objectives

This ACHMP describes how Jemena will protect and manage impacts to Aboriginal cultural heritage values within the Modification area during construction and operation.

Specific objectives of the ACHMP are to address CoA by providing guidance on:

- Processes to maintain ongoing consultation with the Modification’s registered Aboriginal parties (RAPs) and Heritage NSW (**Section 3.5**).
- Management procedures for Aboriginal cultural heritage values associated with the Modification during pre-construction and construction phases (**Section 5.0**).
- Protocols and procedures for new cultural finds, including Aboriginal objects and human remains (**Section 5.5**).
- Other administrative requirements, including post-project management of Aboriginal heritage finds and recovered material, ongoing compliance, regular review and update of the ACHMP to ensure its functionality is maintained through the Modification (**Section 6.0**).

The ACHMP 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 ACHMP Implementation

1.4.1 Implementation

Prior to commencing construction, Jemena will prepare and submit this ACHMP for the development to the satisfaction of the Planning Secretary.

1.4.2 Responsibility for Implementation

Jemena will implement this ACHMP as approved by the Secretary. The individuals responsible for the implementation of the plan are provided in **Table 1.3**. The plan will be stored in Jemena’s document control system; the latest version will be available electronically at all times. As the document owner, Jemena 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 1.3 Roles and responsibilities for Aboriginal heritage management

Role	Responsibilities
Project Manager (Jemena)	<ul style="list-style-type: none"> • Ensure that the ACHMP is implemented as approved by the Secretary. • Ensure adequate financial and personnel resources are made available for the implementation of this plan.
Environment and Stakeholder Advisor (Jemena / Construction Contractor)	<ul style="list-style-type: none"> • Ensure the implementation of this plan is carried out appropriately during construction/operations.

Role	Responsibilities
	<ul style="list-style-type: none"> • 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. • Distribute copies of this plan as required. • Engage and coordinate relevant specialist personnel to undertake management measures or additional assessment as specified in this plan. • Maintain records of Aboriginal consultation. • Ensure relevant reporting, data management and registration is conducted, maintained and updated. • Arrange for a review of this plan in accordance with review cycles and conditions specified in this plan.
Project Archaeologist	<ul style="list-style-type: none"> • Primary contact with RAPs. • Implementing relevant management measures that require archaeologist supervision. • Undertaking heritage assessments where required. • Assistance in implementing responsibilities of the Environment and Stakeholder Advisor, where engaged by Jemena.
Construction Manager (or delegate) and HSE Support (Principal Contractor)	<ul style="list-style-type: none"> • Manage the implementation of this plan during construction and operation (Construction Manager). • Reporting new/unexpected finds, incidents or non-compliance (Construction Manager and HSE Support). • Authorizing stop work in the event of new/unexpected finds (Construction Manager or delegate). • Ensure inclusion of Aboriginal heritage in work inductions through delivery or input to induction documents (Construction Manager and HSE Support).

1.5 Authorship

The ACHMP 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 14 years' experience in Aboriginal heritage consulting and has prepared ACHMPs for major projects across NSW.

2.0 Statutory Requirements

2.1 Development Consent

This ACHMP has been prepared in accordance with the development consent. **Table 2.1** presents the consent conditions relevant to the ACHMP 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
A2 (c)	The Lenaghan Lateral pipeline Development must be carried out generally in accordance with the Modification Report.	
	Appendix B, Table B.1 of the Modification Report (Umwelt 2022b) provides measures that will be implemented to manage and mitigate Aboriginal cultural heritage impacts for the Modification. They are provided as measures A1 and A2 as below and make reference to sections of the Modification ACHA (Umwelt 2022a) (Appendix E of the Modification Report) (Umwelt 2022a).	
	A1 The Proponent should ensure that all employees and contractors are aware that it is an offence under Section 86 of the NPW Act to harm or desecrate an Aboriginal object unless that harm has been subject to approval as part of the necessary approvals process.	Section 6.3 Appendix D
	A2 An Aboriginal cultural heritage management plan for the Modification should be developed in consultation with the registered Aboriginal parties. It should include measures that will be implemented for:	Section 3.0
	<ul style="list-style-type: none"> Impact to the area of archaeological potential identified in Section 6.2 and 6.3 (i.e., KKL P PAD08) that cannot be practically avoided. This will include the provision of methodologies for the completion of the recommended mitigation activities. This may include community collection and/or excavation (refer to Section 11.0 for methodologies). 	Section 5.0
	<ul style="list-style-type: none"> Protocols to be followed in the instance that additional ground disturbance works are required outside the Modification Area. This will include requirements for further survey and assessment of any such works. 	Section 5.7
	<ul style="list-style-type: none"> The management of any new Aboriginal archaeological sites that may be identified during these inspections or over the course of construction or operational activities (refer to Section 11.3). 	Section 5.5
	<ul style="list-style-type: none"> The management of Aboriginal skeletal remains should any be identified within the construction or operational activities for the Modification (refer to Section 11.4). 	Section 5.5
	<ul style="list-style-type: none"> Monitoring and reporting on the effectiveness of these measures and the outcome of any approved mitigation works. 	Section 6.0

Condition No.	Condition requirement	Section reference
	<ul style="list-style-type: none"> Ensuring that all staff and contractors working on the Modification receive Aboriginal cultural heritage awareness training and are informed of their obligations to comply with the requirements of the Aboriginal cultural heritage management plan. 	Section 6.3.1
	Protection of Heritage Items	
B11.	The Proponent must ensure the construction of the Lenaghan Lateral Pipeline Development does not cause impacts on heritage items located outside the Modification Area.	Section 5.2
B12.	If any suspected human remains are discovered and/or harmed within the Modification Area the Proponent must:	Section 5.5.2
(a)	<ul style="list-style-type: none"> Immediately cease all work at the location. 	
(b)	<ul style="list-style-type: none"> Secure the area to avoid further harm to the remains. 	
(c)	<ul style="list-style-type: none"> Notify the local police and Heritage Environment Line on 131 555 as soon as practicable and provide any available details of the remains and their location. 	
(d)	<ul style="list-style-type: none"> Not recommence any work at the location unless authorised in writing by the Secretary. 	
B13.	Prior to commencing construction, the Proponent must prepare and implement an Aboriginal Cultural Heritage Management Plan for the Lenaghan Lateral Pipeline Development. The plan must:	Section 1.4 sets out prerequisites and responsibilities for the implementation of the ACHMP. This ACHMP, once approved, contains all aspects of how the ACHMP will be implemented.
(a)	<ul style="list-style-type: none"> Be prepared by suitably qualified and experienced persons and in consultation with Registered Aboriginal Parties and Heritage NSW – ACH. 	Sections 1.5, 2.3, 3.0
(b)	<ul style="list-style-type: none"> Be consistent with recommendations listed in the ACHA. 	Addressed above in this table against management commitments
(c)	<ul style="list-style-type: none"> Be provided to the Secretary. 	
B14.	Following the completion of the archaeological excavations described in the ACHA, the Proponent must prepare an Aboriginal Cultural Heritage Excavation Report. The report must:	Section 5.4 and Appendix A
(a)	<ul style="list-style-type: none"> Be prepared in accordance with Guide to Investigation, assessing and reporting on Aboriginal cultural heritage in NSW (OEH 2011) and the Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW, 2010); 	

Condition No.	Condition requirement	Section reference
(b)	<ul style="list-style-type: none"> Be prepared in consultation with and provided to the Registered Aboriginal Parties. 	
(c)	<ul style="list-style-type: none"> Document the results of the archaeological test excavations and any subsequent salvage excavations (with artefact analysis and identification of a final repository for finds). 	
(d)	<ul style="list-style-type: none"> Be provided to the Secretary, Heritage NSW - ACH, the relevant Local Aboriginal Land Council and Registered Aboriginal Parties within 12 months of the completion of the Aboriginal archaeological collections and excavations (both test and salvage). 	

2.2 Statutory Context

Table 2.2 Commonwealth and State Legislation Relevant to the ACHMP

Legislation	Description	Relevant to the Modification?	Details
Commonwealth			
<i>Environment Protection and Biodiversity Conservation Act 1999</i>	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 Modification area that are listed on the WHL, NHL, or the CHL.
<i>Native Title Act 1993</i>	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 Modification area.
<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i>	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 Modification area subject to a Declaration under the Act.

Legislation	Description	Relevant to the Modification?	Details
State			
<i>Environmental Planning and Assessment Act 1979</i>	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 Modification was assessed as State Significant Infrastructure under Part 5, Division 5.2 of the Act.
<i>National Parks and Wildlife Act 1974 (NPW Act)</i>	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 Modification is classed as SSI, an Aboriginal heritage impact permit (AHIP) is therefore not required to permit harm to Aboriginal objects associated with the Modification. Instead, the SSI consent and an approved ACHMP serve as an approval to impact on and manage impacts to Aboriginal objects.
<i>Aboriginal Land Rights Act 1983</i>	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 Modification area does not have Registered Aboriginal Owners pursuant to Division 3 of the Act.

2.3 Regulator Consultation

CoA B13 (a) requires this plan to be prepared in consultation with Heritage NSW. The ACHMP has been provided to Heritage NSW for review through the DPE Major Projects portal and their comments addressed. Correspondence with Heritage NSW is attached to the ACHMP as **Appendix C**.

3.0 Aboriginal Consultation

3.1 Key Points

- The Modification has an established list of RAPs that require ongoing consultation during the pre-construction, construction and operations phases of the Modification. The list of 16 RAPs and their contact detail are presented in **Table 3.1**.
- Due to the innately linked nature of the Modification and APA's KKLP Project, consultation for the Modification ACHA and this ACHMP has been undertaken with those Registered Aboriginal Parties (RAPs) previously identified during the course of the KKLP Project ACHA (Umwelt 2022c).
- The RAPs require consultation during the finalisation of, and any updates to, the ACHMP; for the implementation of Modification-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 16 Aboriginal parties registered for the Modification (**Table 3.1**). The RAPs were identified, registered and consulted as part of the KKLP and Modification ACHAs.

Table 3.1 List of Modification RAPs

Organisation	Contact name	Phone	Email
Tocomwall Pty Ltd	Scott Franks	0404 171 544	scott@tocomwall.com.au
Jumbunna Traffic Management Group Pty Ltd	Norm Archibald	-	normarch60@gmail.com
Kawul Pty Ltd Trading as Wonn1 Sites	Arthur Fletcher	0402 146 193 02 4954 7751	Wonn1sites@gmail.com
Didge Ngunawal Clan	Paul Boyd	0426 823 944	didgengunawalclan@yahoo.com.au
Widescope Indigenous Group	Steven Hickey	0425 230 693 0425 232 056	Widescope.group@live.com
Lower Hunter Aboriginal Incorporated	David Ahoy	0421 329 520	lowerhunterai@gmail.com
A1 Indigenous Services	Carolyn Hickey	0411 650 057	Cazadirect@live.com
Aboriginal Native Title Consultants	Christine Paul	0484 327 664	christinepaul737@gmail.com
Corroboree Aboriginal Corporation	Carroll-Johnson Marilyn	0415 911 159 0288 244 324	corroboreecorp@bigpond.com
Culturally Aware	Tracey Skene	0474 106 537	tracey@marrung-pa.com.au
Mayaroo	Tracey White	0438 909 797	rara02@bigpond.com
Mindaribba LALC	Tara Dever	02 4015 7000	ceo@mindaribbalalc.org
Nukara Indigenous Culture & Heritage	Olivia Conners	0408 791 191	connorscelia@yahoo.com.au

Organisation	Contact name	Phone	Email
Ungooroo Aboriginal Corporation	Alan Paget/Melanie Schultz (admin)	02 6571 5111	sites@ungooroo.com.au; mschulz@ungooroo.com.au
Woka Aboriginal Corporation	Steve Johnson	0406 991 221	wokacorp@yahoo.com
Wonnarua Nation Aboriginal Corporation	Laurie Perry	0412 593 020 02 6571 5419	laurie.perry2020@outlook.com

3.3 Previous Consultation for the Modification ACHA

The following provides a summary of the Aboriginal consultation process completed previously for the ACHA to support the Modification Report (Umwelt 2022a).

The *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010a) were followed for the ACHA. Due to the innately linked nature of the Modification and APA's KKLP Project, consultation for the Modification ACHA and this ACHMP has been undertaken with those Registered Aboriginal Parties (RAPs) previously identified during the course of the KKLP Project ACHA (Umwelt 2022b).

A summary of the main consultation components during the ACHA phase for the KKLP and Modification is provided **Table 3.2**.

Table 3.2 Summary of Consultation for the KKLP and Modification ACHAs

Component	Key features
KKLP main ACHA consultation component (Umwelt 2022c) June 2021–March 2022	This phase included: <ul style="list-style-type: none"> • The identification, notification and registration of RAPs (June/July 2021). • Presentation of Project information and assessment methodologies (July/August 2021). • Gathering cultural information throughout ACHAR. • Archaeological survey with RAP representatives (October 2021). • Provision of draft ACHAR for RAP review (January/February 2022).
KKLP Addendum to ACHA (Umwelt 2022d) May–August 2022	This phase included: <ul style="list-style-type: none"> • RAPs were informed of Project amendments (May 2022). • Additional archaeological survey of amended Project area with RAP representatives (June and August 2022). • Provision of draft amended ACHA for RAP review (August/September 2022).
Modification ACHA consultation component (Umwelt 2022a) September – December 2022	This phase included: <ul style="list-style-type: none"> • Notification to existing KKLP RAPs about the Modification and proposed methodology for standalone ACHA (September 2022). • Provision of draft ACHAR for RAP review (November/December 2022).

3.4 Consultation in Developing this Plan

In accordance with CoA B13(a) (see **Table 2.1**), Umwelt has consulted RAPs in developing this plan. Aboriginal consultation for this ACHMP 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 ACHA (Umwelt 2022a). Documentation of the consultation process and its outcomes is included in **Appendix C**.

3.5 Ongoing Consultation Required for the Modification

The RAPs will continue to be consulted on matters of Aboriginal heritage management for the Modification. 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 Modification development activities. Any Aboriginal consultation undertaken as part of these activities should be documented in **Appendix C**.

Table 3.4 provides a list of dates that are culturally sensitive, and when works requiring Aboriginal heritage input and/or participation should be avoided where possible.

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

Modification stage	Activity	Type and preferred method of communication	Comment or notification period to be provided
Pre-construction	Development of ACHMP	Provision of a draft copy ACHMP to RAPs for review and comment.	4 weeks (28 days)
	Finalisation of ACHMP	Provision of final report via e-mail and/or post prior to its implementation.	1 week
Pre-construction and construction	Updates to the ACHMP	Initial notification via phone/e-mail to advise of proposed update. Provision of updated ACHMP 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	Jemena 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(s) to participate in Aboriginal heritage management tasks described in Section 5.0 of the ACHMP. Depending on the scope of specific management tasks, RAP fieldwork representatives may be required to work to a roster.	1 week

Modification stage	Activity	Type and preferred method of communication	Comment or notification period to be provided
		All fieldwork management tasks will include at least one project archaeologist and will work in accordance with this plan.	
	Significant cultural unexpected finds	Contact all RAPs via phone and/or e-mail to advise of any 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 5.5 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

Table 3.4 Culturally Sensitive Dates During Which Activities Requiring Aboriginal Person Participation Should be Avoided

Dates	Activity	Description
26 January	Australia Day	The public holiday and surrounding days are increasingly seen as a time of trauma for Aboriginal people, and any work activities should be re-scheduled to avoid this date.
27 May – 3 June	National Reconciliation Week, includes Sorry Day	A week during which Australians are encouraged to learn about shared histories, cultures and achievements, and to explore how one can contribute to achieving reconciliation in Australia. Aboriginal people are often committed to activities during this week and will often be unavailable.
First Sunday – Second Sunday July	NAIDOC week	A week during which Australians are encouraged to celebrate Aboriginal history, culture and achievements. Aboriginal people are often committed to activities during this week and will often be unavailable.

4.0 Aboriginal Cultural Heritage Context and Sites

4.1 Summary of Aboriginal Cultural Heritage

Umwelt prepared an ACHA to support the Project Modification Report (2022a). This included Aboriginal community consultation, desktop studies, archaeological fieldwork (concurrently with the APA KKL Project), and an evaluation of the potential Aboriginal cultural heritage values of the Modification Area.

An archaeological field survey was completed by Umwelt Archaeologists and Project RAPs (as outlined in **Table 3.1**), who identified a Potential Archaeological Deposit (PAD) (KKLP PAD08) (AHIMS #38-4-2243). KKL PAD08 is situated on a low elevation footslope bordering a swamp formation and adjacent to a minor drainage line that flows into Hexham Swamp, which contextually suggests that the location has potential to contain sub-surface archaeological deposits. It was assessed that the site had likely been subject to varied ground disturbances in relation to the pastoral and agricultural use of the land, and that potentially artefact bearing A-horizon soils had been impacted. However, intact A-horizon soils may remain in areas of lesser disturbance. No further archaeological sites or objects were identified.

KKLP PAD08 is within the shared project boundaries of APA's KKL Project area and the Modification Area. Archaeological test excavation was undertaken across approximately the western half of the PAD mapped area in accordance with the KKL ACHMP (Umwelt 2023) in response to the eastern limits of the KKL construction footprint.

Over two days, (13 and 14 June 2023), test excavations were undertaken at KKL PAD 08. The landform is a lower slope with a south-facing aspect, overlooking a second order unnamed tributary of Hexahamp swamp to the east.

A total of twelve (12) 50 cm x 50 cm test pits were excavated in two transects following a north-south alignment down the slope, with pit spacing of 10 m. Excavation locations were between 25 m to 75 m distance from the nearby second order tributary. Elevations on the slope is between 10 m and 4 m above sea level. The layout and results of test excavations are shown on **Figure 4.1**.

Soils generally consisted of very compacted dry silty loam with gravel inclusions, culminating in a compacted clay base, as shown in **Photo 4.1**. Soil depths in the test pits varied between 20 cm and 45 cm before reaching basal clay. A total of 10 artefacts were excavated from the 12 pits, with artefacts identified only in test pits 3, 5, 7, 11 and 12. Raw materials included silcrete and mudstone, although lithic analysis has not been conducted on the assemblage to date.

From the results presented above, the PAD is considered to have low artefact densities and is of low archaeological significance. Under the KKL ACHMP (Umwelt 2023), the tested area did not reach the artefact density threshold to warrant salvage excavation and therefore no further archaeological investigations were undertaken in the area.

These results indicate that a similar characteristics of a low artefact density deposit is likely to exist within the untested KKL PAD08 area to the east as it shares the same landform characteristics and proximity to water.

KKLP PAD 08 is the only Aboriginal site relevant to this ACHMP. It will be partially impacted by the Modification. Details of the required management measures are presented in **Section 5.0**.



Photo 4.1 Example Soil Profile from KKLP PAD08 (Test Pit 2)

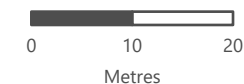
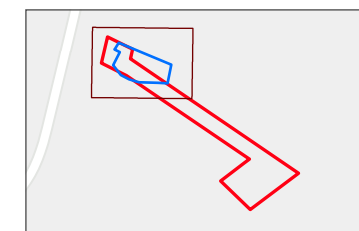
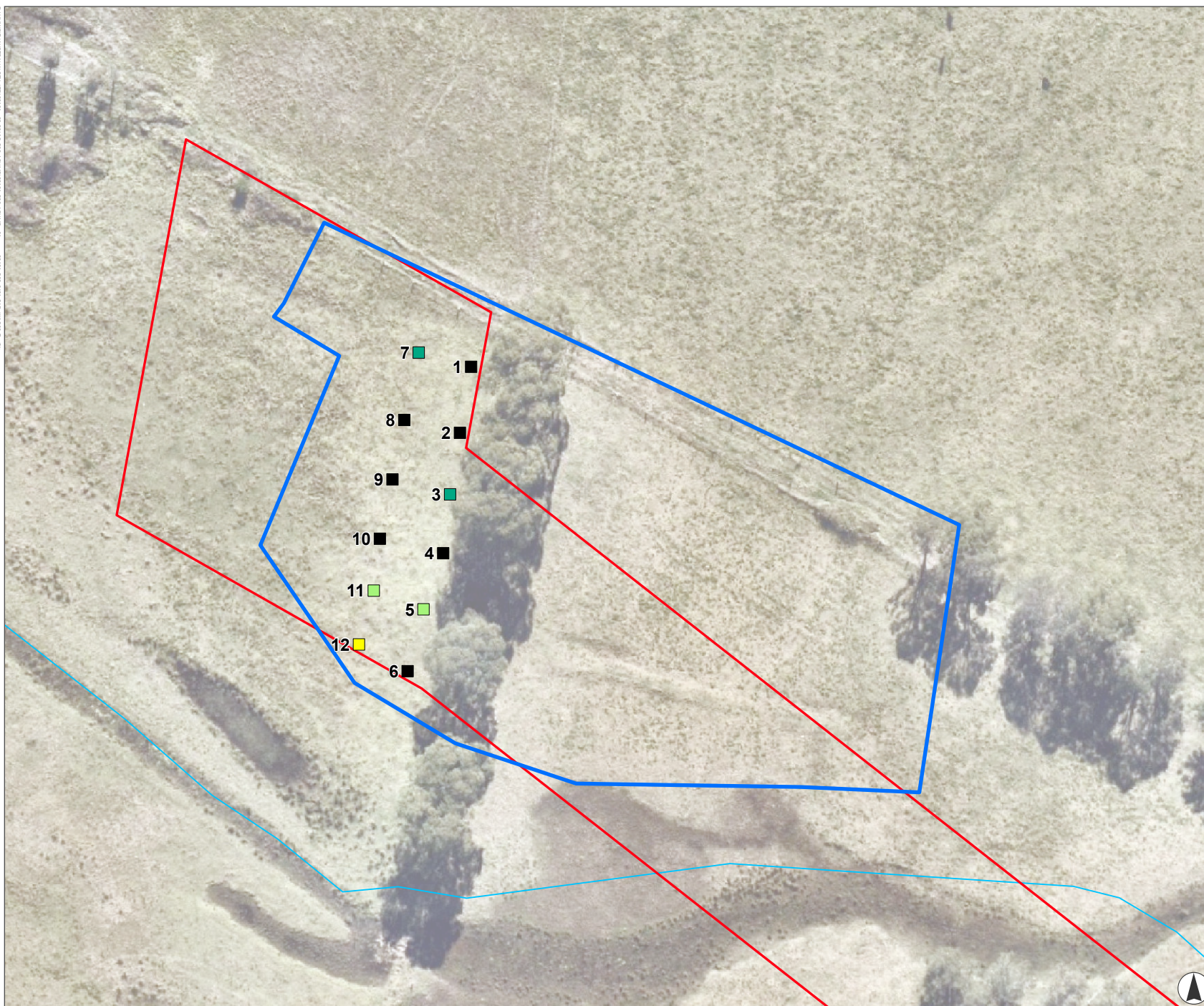
FIGURE 4.1
PAD KKLP 08 and
Archaeological Test Pit
Locations

Legend

- PAD KKLP 08 Boundary
- Modification Area
- Roads
- Watercourse

Test Pit Locations

- 0 Artefacts Found
- 1 Artefact Found
- 2 Artefacts Found
- 4 Artefacts Found



Scale 1:750 at A4
 GDA 1994 MGA Zone 56

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5.0 Aboriginal Heritage Management

5.1 Key Points

Aboriginal site management for the Modification will involve:

- **Archaeological Excavation:** for KKLP PAD 08. A phased archaeological excavation program will be completed for the mapped area of KKLP PAD 08 within the Modification footprint. This will be to the east of previous test excavations completed as part of the KKLP (refer **Section 4.1**). Excavation will involve a test excavation phase to characterise the PADs, followed by salvage excavation of PAD if warranted. This must occur prior to Modification-related ground disturbance occurring near the PAD.
- **Community Collection:** Any visible surface artefacts within KKLP PAD 08 within the Modification Footprint will be subject to collection by archaeological and RAP representatives. This must occur prior to Modification-related ground disturbance occurring near individual sites.
- **General:** additionally, there are general ongoing post-approval heritage requirements are required during construction and operational phases. These are outlined in detail in this section and include the management of all salvaged Aboriginal objects protocols in the event that unexpected cultural materials are found.

5.2 Protection of Sites Outside of Modification Area

There are no registered Aboriginal sites in the vicinity of the Modification Area except for KKLP PAD08 that extends outside out the Modification Footprint. Jemena is responsible for not undertaking ground disturbance activities outside of the Modification Footprint within the PAD boundary of KKLP PAD08 as shown in **Figure 4.1**. However, as no surface Aboriginal objects are present in the vicinity of the Modification, no active demarcation or fencing is required to ensure avoidance is achieved other than only undertaking ground disturbance within the Modification Footprint.

5.3 Community Collection

Surface inspection of KKLP PAD08 will be completed prior to Modification impacts, given that it was unable to be surveyed due to access restrictions. If stone artefacts are identified, Aboriginal community collection will be undertaken by a qualified archaeologist and RAP representatives. In this event, the locations of all visible artefacts within areas subject to impact by the proposed works will be assessed and, where appropriate, artefacts will be grouped into loci for the purposes of recording and analysis. The location of the artefacts will be recorded using a hand-held GPS and the artefacts will then be collected and bagged according to location.

An attempt for surface artefact collection (community collection) of KKLP PAD08 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:

- The general vicinity of the PAD will be inspected by the field team. Any visible 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.
- 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.
- All artefacts will be sorted and recorded post-fieldwork with respect to technological type, implement type, raw material, maximum block length and weight.
- 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.
- The Aboriginal Heritage Information Management System (AHIMS) records will be updated with a site impact recording form for each collected site.
- If surface Aboriginal objects have been identified and there is reason to believe that adjacent surface objects are likely to occur, but are covered by vegetation, consideration will be given to undertaking community collection following the initial removal of surface vegetation. Surface vegetation removal will follow this method:
 - a. Vegetation will be cleared using a combination of mechanical slashing, mowing and line trimmer (as required).
 - b. An archaeologist and RAP representatives will monitor or undertake the vegetation clearance and provide guidance to ensure it is employed to a level satisfactory to reveal the ground surface for the identification of Aboriginal objects.
 - c. The vegetation clearance will cover the mapped site area of the relevant sites.
 - d. Following vegetation clearance, RAPs and an archaeologist will inspect the cleared areas. If the artefacts are not identified through vegetation clearance alone, the RAPs and an archaeologist will use suitably fine gauged steel rakes over the areas to reveal artefacts for collection.
 - e. Any artefacts identified within these areas will be recorded and collected in accordance with the surface artefact collection method in this ACHMP.

5.4 Archaeological Excavation

Archaeological excavation of KKLP PAD08 will follow the methodology provided as **Appendix A**. This methodology is generally consistent with the approved KKLP ACHMP but scaled to address the much smaller scope of excavation required (refer to Umwelt 2023 Appendix A KKLP ACHMP methodology).

Following the completion of the archaeological excavation, an Aboriginal Cultural Heritage Excavation Report will be prepared. The report must:

- Be provided to the Planning Secretary, Heritage NSW - ACH, the relevant Local Aboriginal Land Council and Registered Aboriginal Parties within 12 months of the completion of the Aboriginal archaeological collections and excavations (both test and salvage).
- Document the results of the archaeological test excavations and any subsequent salvage excavations (with artefact analysis and identification of a final repository for finds).
- Be provided to Registered Aboriginal Parties a minimum of 28 days to consider the report and provide comments before the report is finalised.

This report will not be a standalone report, but instead will feed into the broader KKLP Archaeological Excavation report as required under the KKLP ACHMP. As such the KKLP ACHMP salvage report will serve to satisfy CoA B14 and include the results of KKLP PAD 08.

5.5 New Finds Procedures

5.5.1 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 Modification. Importantly, the procedures set out in this section do not apply during the archaeological excavation activities set out in **Section 5.4** of this ACHMP, unless classed as an 'Unexpected Site'¹ 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., Construction Manager or delegate. • 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.

¹ **Unexpected Sites definition:** rarer site types and/or features not expected to occur in the Modification Area (i.e., midden material concentrations, grinding grooves, engravings, stone arrangements, ceremonial sites).

Protocols to follow:
<ul style="list-style-type: none"> • Contact the project archaeologist and RAPs to notify them of the find and then 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"> a. If within 20 m of the Modification 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 by a heritage professional and representatives of the RAPS. The site/s must be integrated into the cultural inductions to ensure all personnel are aware of the location and to avoid inadvertent impacts during the construction. <p>Heritage NSW and Department of Planning and Environment will be notified of unexpected finds via writing.</p>
Where avoidance cannot be achieved:
<p>Open artefact sites</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 archaeologist(s) and RAP representatives. The collection method will be as per Section 5.3.</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 in consultation with RAPs), test excavation may be employed to a methodology prepared in consultation with Jemena and RAPs. Excavation methods that can be used as a guide are presented in Appendix A.</p> <p>Any salvage excavation program would require a report on the methods and outcomes of the excavation.</p>
<p>Modified trees</p> <p>Note that Aboriginal tree scars may require verification by a qualified scar tree expert such as an arborist or Arboriculturalist if the scars are ambiguous to a degree that they cannot be determined by the Project archaeologist. If a tree is assessed by an expert not to be an Aboriginal object, then RAPs and Heritage NSW will be notified and confirm that the tree is not an Aboriginal object to confirm that works may proceed in the area of the tree.</p>
<p>If the find is determined to be an Aboriginal scar tree that cannot be avoided, the following Aboriginal scar tree removal procedure will be followed after adequate consultation with RAPs and Heritage NSW:</p> <ol style="list-style-type: none"> 1. A suitably qualified person in scar tree management (e.g., archaeologist with scar tree specialisation, Arboriculturalist or arborist) will be engaged to determine a suitable removal method in consultation with RAPs. This may involve the requirement to saw the tree above the scar location allowing a suitable buffer from the scar feature. The process of removal will be photographed. <ul style="list-style-type: none"> • The removed tree and scar may be treated to preserve the scar to prevent its further deterioration. Any treatment option would be completed in consultation with RAPs, Jemena and a suitably qualified curator. • The tree will be relocated to a nominated Aboriginal keeping place or other location as guided by RAPs (yet to be determined) and appropriately displayed using suitable materials in consultation with Jemena and RAPs. • The outcomes of the tree management activity will be documented in a short letter report including records of the original and new tree location. Note that long term management of any salvaged trees may require a Care Agreement as set out in Section 5.6.2. <p>The AHIMS records will be updated with a site impact recording form for the site.</p>

Protocols to follow:

If Unexpected Site Types Occur

Unexpected Sites definition: rarer site types and/or features not expected to occur in the Modification Area (i.e., midden material concentrations, grinding grooves, engravings, stone arrangements, ceremonial sites). Heritage NSW will be consulted on the management of any Unexpected Site Type and/or highly significant finds.

As Unexpected site types have a very limited chance of being identified in the Modification Footprint, no specific management methodology has been devised.

If Unexpected Sites are identified:

1. 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.
- 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 Jemena, Heritage NSW and RAPs.
 - 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.

Post fieldwork

Once the archaeological on-site activities are complete to the satisfaction of the heritage professional in consultation with the RAPs, Construction activities may continue in the area of Aboriginal Sites once the archaeological on-site activities are complete to the satisfaction of the Project Archaeologist in consultation with the RAPs. The project Archaeologist must provide written notification clearly specifying that construction activities may continue in the area of new finds, which must be documented internally as per compliance monitoring protocols set out in **Section 6.2**

All archaeological activities should involve suitable analysis of cultural materials. Chronological, paleoenvironmental and sedimentological samples (if retrieved) should be suitably analysed and documented in a report that is provided to Heritage NSW.

5.5.2 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., Construction Manager or Delegate 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 developing 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) and the NSW Environment Line (131 555) to notify them of the find, and Department of Planning and Environment. • Engage project archaeologist to assist and/or facilitate management of the Aboriginal ancestral remains with RAPs and Jemena. • 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 (e.g., 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. <p>If the remains are non-Aboriginal and non-historic human remains, Jemena is to coordinate involvement of police. Works will not proceed until written approval is granted from relevant authorities.</p>

Stage	Actions
<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 stakeholders 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. • If the Aboriginal ancestral remains cannot be avoided: <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: <ul style="list-style-type: none"> ▪ 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 Jemena in consultation with RAPs. ▪ RAPs will determine if further studies, media releases or other investigations are appropriate for the finds. ▪ Where required, Jemena 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 ACHMP. • Works will not recommence until written approval is received from relevant authorities. <hr/> <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.

Stage	Actions
	<ul style="list-style-type: none"> • Update ACHMP. • Works will not recommence until written advice is provided from the Project archaeologist that the remains are suitably protected and away from Project impacts.

5.6 Management of Salvaged Aboriginal Objects

5.6.1 Temporary Storage of Salvaged Objects

Artefacts salvaged under the provisions of this ACHMP will be temporarily stored at the Umwelt Archaeology Office at 69 York Street, Teralba NSW.

Umwelt 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.

5.6.2 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.

Reburial of objects is the proposed method for salvaged items. All Aboriginal objects recovered from the Modification will be grouped with the objects recovered from the KKL Project (Umwelt 2023) and will be placed in a suitable location which will be determined with future consultation with RAPs which will be logged in the ACHMP.

Once salvage measures are completed for the Modification and the KKL Project, 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 Jemena that is designated to be avoided by development in perpetuity will be selected by Jemena 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.

5.7 Any Proposed Activity Outside the Approved Modification Footprint

Any activity that may cause ground disturbance outside of the approved Modification Footprint will not occur without prior Aboriginal heritage assessment and other relevant legislative and internal approvals.

Depending on the scope, nature and approval pathway of the proposed ground disturbance, the following may apply:

- If the proposed activity requires additional environmental assessment, such as a modification to the existing development consent, an Aboriginal heritage assessment will be completed in accordance with relevant assessment requirements as specified by Heritage NSW/DPE.
- If the proposed activity is permissible under the existing CSSI (i.e., an Aboriginal heritage impact permit (AHIP) not required), an Aboriginal heritage assessment must initially be completed to a level consistent with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010b) guidelines. Any potential impacts to known or newly identified Aboriginal objects will be managed in accordance with the unexpected finds procedures.
- If the proposed activity requires a separate approval pathway not permissible as part of the existing CSSI, then an Aboriginal heritage assessment must initially be completed to a level consistent with the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (DECCW 2010b) guidelines. Depending on the outcomes of the due diligence assessment, further investigation may be required in accordance with the *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales* (DECCW 2010c) and/or other relevant guidelines. If Aboriginal objects are likely to be impacted, further approvals under the National Parks and Wildlife Act 1974 and/or Environmental Planning and Assessment Act 1979 as required may be required prior to work being permissible.

6.0 Compliance, Training, Review and Improvement

6.1 Key Points

- This section provides information to ensure the ACHMP is complied with during the construction and operation of the Modification.
- Provides training requirements and processes and procedures to manage complaints and non-compliances.
- Criteria and timing for revisiting and updating the ACHMP is provided in this section.

6.2 Compliance and Auditing

6.2.1 ACHMP Implementation and Compliance Monitoring

Implementation and compliance with the plan will be monitored by standard environmental auditing procedures undertaken at regular intervals. The audit will include an assessment of compliance with development consent conditions and the objectives of the ACHMP (as outlined in **Section 1.3**).

Monitoring will be undertaken to measure/record the implementation of heritage management measures to address approval requirements. **Table 6.1** outlines how compliance will be monitored for the key management measures of this ACHMP.

Table 6.1 Compliance Monitoring

Item	Measure to monitor compliance
Excavation of scheduled site KKL P PAD08 and appropriate temporary storage of salvaged materials (Section 5.4) Attempts have been made for surface artefact collection (Section 5.3).	Include Project Archaeologist written sign-off to confirm that salvage measures are completed within an area before Modification impacts can occur.
Reporting on test and (if required) salvage excavations (Section 5.4 and Appendix A).	Documentation that the reporting for test excavation and salvage is provided to relevant parties within 12 months of completion and to RAPs for 28 days review according to reporting requirements set out in (Section 5.4). Prepare and submit Aboriginal site impact recording form (ASIRF) for KKL P PAD 08.
Ongoing Aboriginal consultation requirements (Section 3.5)	An Aboriginal consultation log is prepared and maintained for the Modification to document correspondence requirements set out in Section 3.5 of the ACHMP.
Inductions are taking place and includes appropriate material.	The induction protocols set out in Section 6.3 will be managed by the Construction Manager.
Reporting and managing any newly identified Aboriginal objects or skeletal	Develop a site inventory if additional sites are identified and recorded. This should include a checklist to track:

Item	Measure to monitor compliance
remain in accordance with this plan (Section 5.5)	That new sites are registered on AHIMS (Appendix D) That impacts to any newly identified sites are reported on AHIMS (Appendix D) A communications log must be kept to document that all relevant parties are contacted throughout the processes listed in (Section 5.5) (e.g., RAPs, Heritage NSW, DPE, Coroner/Police, Project Archaeologist).
Reburial of salvaged objects (Section 5.6.2)	Once salvage measures are completed for the Modification and KKL Project and reburial has been completed, ACHMP site inventory must be updated with the location and treated as a new Aboriginal site. The ACHMP should include checklist to confirm that AHIMS site card has been prepared for the location and submitted to AHIMS.

6.2.2 Complaints and Disputes

A complaints register will apply to the works associated with this ACHMP. Complaints will be recorded and considered in improvements and subsequent updates of the ACHMP.

6.2.3 Incident Reporting

In accordance with CoA 6, Jemena will immediately notify DPE and any other relevant agencies after it becomes aware of an incident resulting in unauthorised Aboriginal heritage impacts. The Incident notification, reporting and response protocol is provided in **Appendix E**.

6.2.4 Non-compliance Notification and 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 CoA C7–C9 Jemena will, within seven days of becoming aware of an Aboriginal heritage non-compliance, notify DPE of the non-compliance. Non-Compliance protocols are provided in **Section 6.2.4**.

6.3 Aboriginal Heritage Induction Requirements

6.3.1 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 Jemena (once appropriately trained to present the induction), or their subcontractor (once appropriately trained to present the induction). In addition, visitors to the Modification 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 Jemena/its contractors.

The following points will be conveyed through site induction material:

- Aboriginal sites have been identified in the Modification footprint 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 in relation to the Modification have included stone artefact sites and areas of potential archaeological deposit (PAD).
- Aboriginal sites can be hard to recognise, therefore reference must be made to the Aboriginal heritage maps in this ACHMP in order to clearly identify demarcated site boundaries (in instances prior to the salvage measures being undertaken as part of this plan).
- A site must be investigated 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.

6.4 Review and Improvement and Data Management

6.4.1 Continual improvement

Continual improvement of this ACHMP 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-compliances and deficiencies.
- Develop and implement a plan of corrective and preventative action to address non-compliances and deficiencies.
- Verify the effectiveness of the corrective and preventative actions.
- Document any changes in procedures resulting from process improvement.

6.4.2 ACHMP Review and Updates

The ACHMP is to be reviewed in accordance with CoA C5(j), the ACHMP will be reviewed, and updated in if necessary, in the following circumstances:

- Within 3 months, unless the Planning Secretary agrees otherwise, of:
 - a. The submission of an incident report under condition C6;

- b. The submission of an audit report under condition C7-C9;
 - c. The approval of any modification to the conditions of this approval; or
 - d. A direction of the Planning Secretary under condition A4 of Schedule A;
- Where changes to the Modification 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 ACHMP but is no longer required; and/or
 - where complaints and/or non-compliances have been identified that require changes to ensure suitable management of Aboriginal heritage in future stages of the Modification.
 - Aboriginal consultation for any updates and/or changes should be undertaken in accordance with **Section 3.5**.
 - Where additional impacts are proposed to Aboriginal heritage and the plan is revised to include additional impacts, the plan must be provided to Heritage NSW and RAPs for review and comment for a minimum of 14 days.
 - 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 Planning Secretary for approval, unless otherwise agreed with the Planning Secretary.

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.

OEH 2011, Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales.

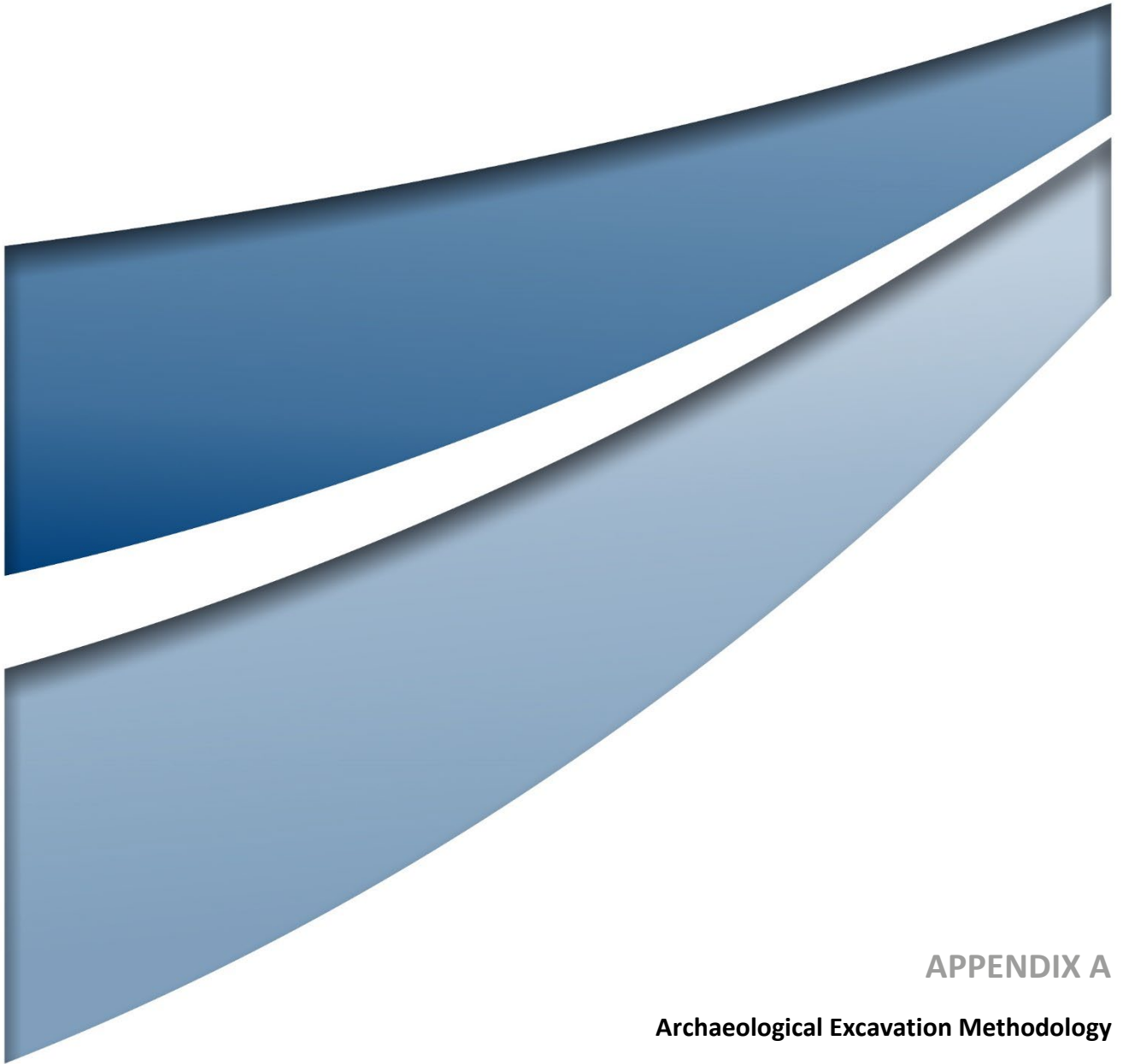
Umwelt 2022a, *Lenaghan Lateral Pipeline Modification Application – Aboriginal Cultural Heritage Assessment*, prepared for Jemena December 2022.

Umwelt 2022b, *Lenaghan Lateral Pipeline Modification Application Environmental Impact Statement*, prepared for Jemena December 2022.

Umwelt 2022c, *Kurri Kurri Lateral Pipeline Project – Aboriginal Cultural Heritage Assessment*, prepared for APA Group.

Umwelt 2022d, *Kurri Kurri Lateral Pipeline Project – Addendum to Aboriginal Cultural Heritage Assessment*, prepared for APA Group.

Umwelt 2023, *Kurri Kurri Lateral Pipeline Project – Aboriginal Cultural Heritage Management Plan*, prepared for APA Group May 2023.



APPENDIX A

Archaeological Excavation Methodology

Excavation Methodology

Overview

The archaeological excavation methodology is based on an outlined methodology presented in the Project ACHA (Umwelt 2022, Section 11.2). The scope of archaeological excavation applies to KKLP PAD 08.

Aims and Research Questions

Aims

The excavation program has the following aims:

- To characterise the archaeological character and significance of KKLP PAD 08 to influence the scope of mitigation required.
- To characterise the archaeological deposits relating to past Aboriginal occupation of the local area through excavation and environmental analyses. This may include greater understanding of resource exploitation; identification of any change through time in spatial and chronological phases of activity; and site formation processes.
- To provide a representative sample of the assemblage from KKLP PAD08 and may inform further understanding of how Aboriginal people accessed resources, manufactured stone artefacts and travelled through the local area.

Generic Research Questions

- What is the spatial and stratigraphic patterns of cultural materials within the tested areas? Can inter and/or intra-site past Aboriginal activities be determined through excavation in these areas?
- What is the age, composition, technological attributes, and significance of cultural materials within this part of Kurri Kurri?
- What are the environmental characteristics associated with the distribution of Aboriginal cultural heritage within the area? Can the formative processes of the stratigraphic profile provide information on the nature and/or survivability of the archaeological resources? Are there other key factors in the distribution and extent of the material culture within the area?
- What are the cultural, social and public values associated with the cultural materials in the area? Do the excavations support or require modification of the significance and values previously assigned to Aboriginal sites, places and/or locales within the Modification Footprint?
- How should the cultural materials be conserved and managed in future?

Excavation Methods

Aboriginal site management for the Modification will involve archaeological excavation for KKLP PAD 08. A two-phase archaeological excavation program will be completed for the mapped area of KKLP PAD 08 within the Modification Footprint, but outside of previously tested areas as part of the KKLP: this will be to the east of previous test excavations completed as part of the KKLP (refer **Section 4.1**). Excavation will involve a test excavation phase to characterise the PAD, followed by salvage excavation of PADs if warranted. This must occur prior to Modification-related ground disturbance occurring near the PADs.

In accordance with CoA B14 (b), the excavation program will be undertaken generally in accordance with *Guide to Investigating, assessing and reporting on Aboriginal cultural heritage in NSW* (OEH 2011) and the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010b).

If at any phase of archaeological excavation, locally and regionally significance archaeological materials are identified, Jemena must consider options for project redesign in consultation with RAPs and Heritage NSW. In the event of suspected locally and regionally significant finds, the stop works procedure outlined in **Section 5.5** of this ACHMP would apply until a resolution is made after consultation with RAPs and Heritage NSW. Examples of cultural materials that would reach this threshold include:

- Confirmed human skeletal remains.
- Archaeological deposits of over 1,000 artefacts (if identified through excavation).
- Materials that meet the definition of 'Unexpected Site Type' in **Table 5.1** of this ACHMP.

Phase 1 Excavation – Investigative Phase

- Phase 1 excavations will be undertaken in units of 50 cm by 50 cm. The surface area of the test excavation within a defined area of PAD will total no more than 5% of the total impact area within that PAD.
- The location and distribution of Phase 1 excavation units will be determined in field to avoid areas of localised disturbance and to focus the excavations on areas most likely to contain intact archaeological deposit. Where possible Phase 1 excavation units will be distributed along the centreline of the impact area (for linear impacts) or in a generalised grid pattern (for non-linear impacts such as larger workspace areas).
- Each Phase 1 excavation unit will be excavated in 10 cm spits or stratigraphically (where possible), ensuring that the soil profile is adequately described.
- Excavations will cease where one or more of the following criteria are established:
 - B horizon deposits are encountered.
 - It is deemed unsafe to continue to excavate because of risk of collapse or water ingress.
 - If it is agreed by the archaeologist and Aboriginal party representatives present on site that the excavation has continued past the depth of deposits containing cultural material.
 - Where the depth of anticipated Project impacts has been reached.

- Excavated materials (with the exception of sediments from features such as hearths or heat treatment pits) will be sieved using 5 mm wire mesh sieves. Where necessary, wet sieving may be undertaken.
- Field Documentation:
 - All test pits would be documented using photographic records, written descriptions, and scaled drawings of representative test pits.
 - Soil samples may be collected for description, sedimentological and chronological analysis where such analysis is considered likely to contribute significant information. Optically Stimulated Luminescence (OSL) samples would be taken in areas where Aboriginal objects are found, and generally try to bracket the deposit (to provide a maximum and minimum age). Material for radiocarbon analysis may also be undertaken opportunistically if archaeological features containing charcoal or other dateable material are evident.
 - Reduced levels of the top and bottom of the test pit would be documented using a dumpy level against a known elevation in instances where OSL or other samples are taken. Other levels may be taken as required.
- If features (including a hearth or heat treatment pit or an accumulation of animal bone or shell likely to relate to Aboriginal cultural activities) are identified, the feature will be excavated in accordance with the methodology provided under the heading '**Excavation of Features**' below.
- Throughout the Phase 1 excavations, a plan will be maintained showing excavation locations. Data will be collated on the outcomes of each excavation such that the nature of the soil profile and any cultural material identified is documented. Preliminary artefact counts, information on raw material types and description of key artefact classes in the assemblage from each excavation unit will be documented. This information will be used to inform decision making on requirements for Phase 2 works, as discussed below.
- Excavation procedures and protocols may be modified at the discretion of the Excavation Director, in consultation with the RAPs and Jemena as the conditions in the field and nature of the excavations develop. This includes the movement/discontinuance of test pits to avoid existing obstacles, buried services and disturbances.

Excavation of Features

Should a feature such as a possible hearth or heat treatment pit or an accumulation of animal bone or shell likely to relate to Aboriginal cultural activities be identified during excavations, the following methodology will apply:

- The surface of the feature will be cleaned by hand (using trowels, hand shovels and brushes as required) to allow the edges of the feature to be identified.
- The feature will then be excavated in cross-section (half-sectioned or part thereof depending on the location of the feature within the excavation unit and whether it extends outside the excavation unit) to investigate the dimensions and orientation of the feature to more accurately assess whether it is a cultural feature or the result of natural process (for example, a burnt tree root/stump or accumulation of bone within a former void). The excavation will proceed according to the stratigraphy (if any) of the in-filling materials.

- If it is identified as a feature, it will be photographed in cross-section and a stratigraphic profile of the cross-section will be recorded (where possible).
- If it is identified as a feature, it will then be excavated in its entirety within the excavation unit. All excavated cultural materials (including those from original cross-sectional excavation) will be retained for analysis and samples of relevant materials will be sent for additional analysis, including radio-carbon dating. If the feature extends outside the excavation unit, it will be further assessed whether excavation should continue into the adjoining area. This will be considered with reference to the need to maintain the integrity of the feature during excavation and/or backfilling if required.
- Following the removal of all in-filling material, the remaining cut feature (where present) will be planned to scale and photographed.
- Following this excavation can resume in the remaining portion of the excavation unit.

Phase 2 Excavation – Salvage Phase

Overview

The need for salvage excavations can only be determined based on the results of Phase 1 excavations. Phase 2 excavation locations will be selected to provide the greatest likelihood of capturing the extent of the artefact distribution and to target areas of higher artefact density or assemblage complexity. The Phase 2 excavations will also ensure that an appropriate sample of artefacts is retained for cultural purposes.

A plan will be maintained showing excavation locations and the outcomes of the Phase 1 and Phase 2 excavations with reference to preliminary artefact counts, information on raw material types and description of key artefact classes in the assemblage from each excavation unit. This will inform decision making on excavation requirements.

Thresholds For Further Excavation

The initiation of Phase 2 – salvage excavation – would *only* be undertaken in areas where the thresholds outlined below are met. The location of salvage excavations would be determined at the completion of Phase 1 and at those locations where the greatest potential for answering the research questions is identified.

The thresholds for expansion would include:

- Stone artefact densities greater than 50/m² and therefore indicative of intensive localised past activity based on our broader understanding of the region.
- Where evidence of multiple phases of past activity is identified through changing raw material types and/or distinct technological attributes at different depths within the soil profile.
- Where dense concentrations of cultural materials are discovered at significant depths that may indicate extreme age.
- Where rare or unique stone artefacts and/or other archaeological material is recovered.
- Where unique and/or rare archaeological features (e.g., hearths, cooking pits, etc) are identified.

- Other conditions that are considered by the Excavation Director to inform the research questions and/or broader aims of the Project.

Salvage Excavations

Where suitable thresholds are met as described above, additional archaeological excavation would be undertaken in that identified location. The excavation would consist of contiguous open area salvage excavation using higher resolution recovery techniques. The size of the open area would be dictated by the size of the identified cultural material, with a target of up to 20-25 m² with the aim of approximately retrieving a sample of at least 1,000 artefacts (e.g., a minimum of 50 artefacts per square metre) for a suitable sample for analysis and interpretation.

If 1,000 artefacts have been recovered and the open area results indicate that cultural materials of similar frequencies are likely to extend beyond the limit of excavation (within the Modification disturbance footprint), then additional consultation with RAPs and Heritage NSW is required prior to any Modification construction related impacts in the PAD area.

Current data from testing KKLPA 08 as part of the KKLPA ACHMP, indicates that phase 1 excavations are unlikely to trigger salvage excavation. Notwithstanding, these protocols have been included to account for any stark change in subsurface potential in the eastern portion of the PAD.

Phase 2 excavations will be undertaken in units of 1 m by 1 m. Apart from the size of excavation units, the salvage methods will be consistent with that detailed for Phase 1 Excavations.

Excavation procedures and protocols may be modified at the discretion of the Excavation Director, in consultation with the RAPs and Jemena as the conditions in the field and nature of the excavations develop. This includes the movement/discontinuance of test pits to avoid existing obstacles, buried services and disturbances.

Post Excavation Analysis and Reporting

An Aboriginal Cultural Heritage Excavation Report will be prepared following the completion of the archaeological excavation. This report will not be a standalone report, but instead will feed into the broader KKLPA Archaeological Excavation report as required under the KKLPA ACHMP. As such the KKLPA ACHMP salvage report will serve to satisfy CoA B14 and include the results of KKLPA 08.

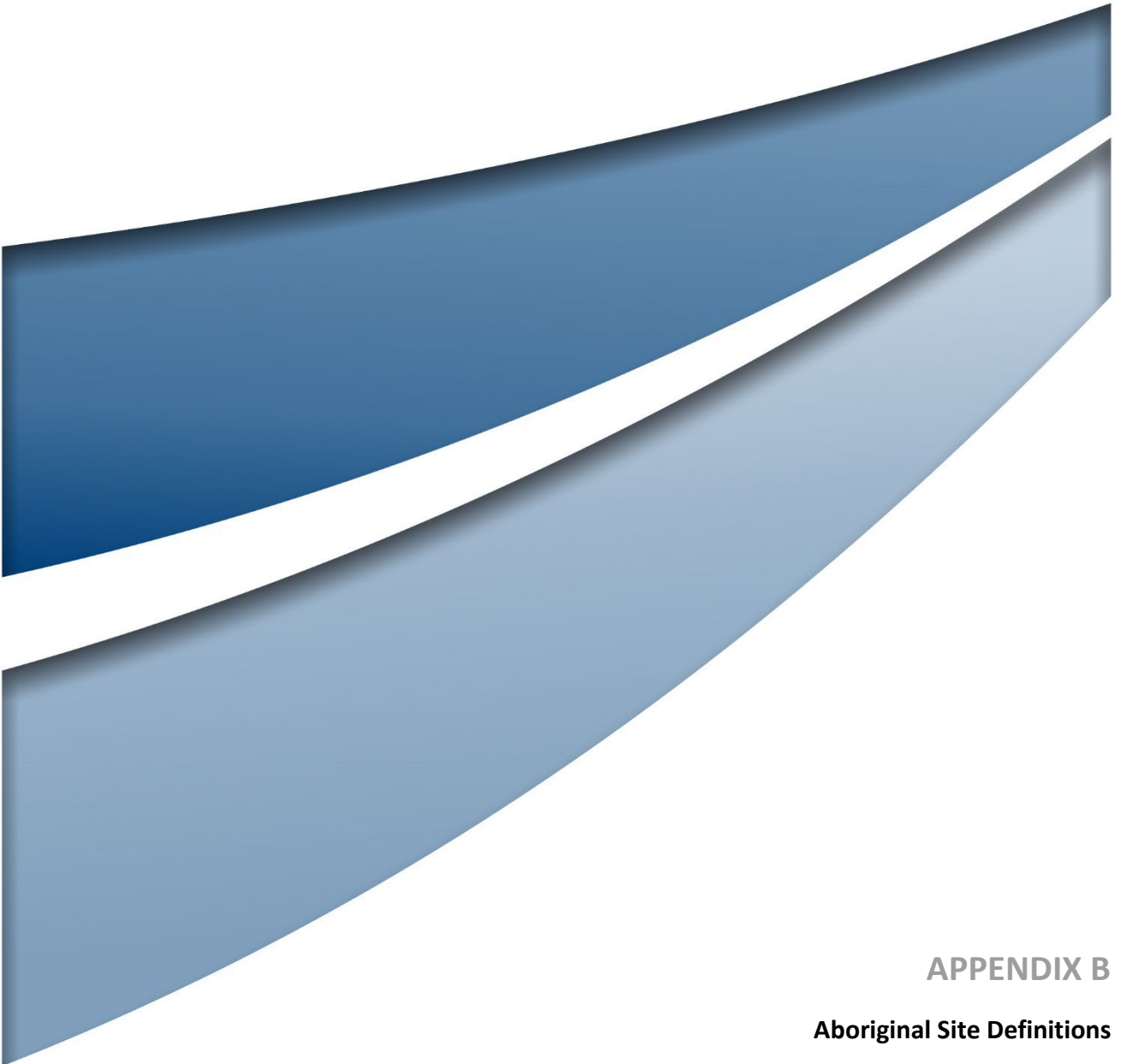
To satisfy CoA B14, this report will:

- Be provided to the Planning Secretary, Heritage NSW – ACH, the Mindaribba Local Aboriginal Land Council and Registered Aboriginal Parties within 12 months of the completion of the Aboriginal archaeological collections and excavations (both test and salvage).
- Document the results of the archaeological test excavations and any subsequent salvage excavations (with artefact analysis and identification of a final repository for finds).
- Be provided to Registered Aboriginal Parties a minimum of 28 days to consider the report and provide comments before the report is finalised.

The post-excavation analysis (incorporating data from the excavations) would be designed to address the research objectives and aims, along with other relevant questions that may arise based on the results of the excavation. These could include, but not be necessarily limited to:

- Stone artefact analysis, including descriptive and functional recording of the assemblage, as well as interpretation of past activities, post-depositional change and comparison with other nearby data. Artefact conjoining may also be attempted where sufficient cultural materials have been recovered.
- Geochronology, including the processing and analysis of samples to inform the absolute age of the soil profile and/or cultural assemblage recovered. This would include Optically Stimulated Luminescence (OSL) ages, as well as radiocarbon samples, where recovered. While large number of these samples are likely to be collected, given the prohibitive cost of processing, it is probable that a small number of ages would be obtained in a small number of master-sequences to inform the broader archaeological program. The samples would be processed by either University of Gloucestershire and/or University of Wollongong.
- Palaeo-environmental analysis, including palynology, phytolith analysis and/or charcoal analysis to explore the past vegetation and fire regimes that may have been influenced and/or modified by past human activity. These would utilise the same samples collected for geochemistry and/or sampling and sent to a range of university specialists in these fields to process and interpret the results.

Reporting that would provide information on the field investigations, compilation and synthesis of the post-excavation analyses, and interpretation of the results to inform the past activity and use of the region.

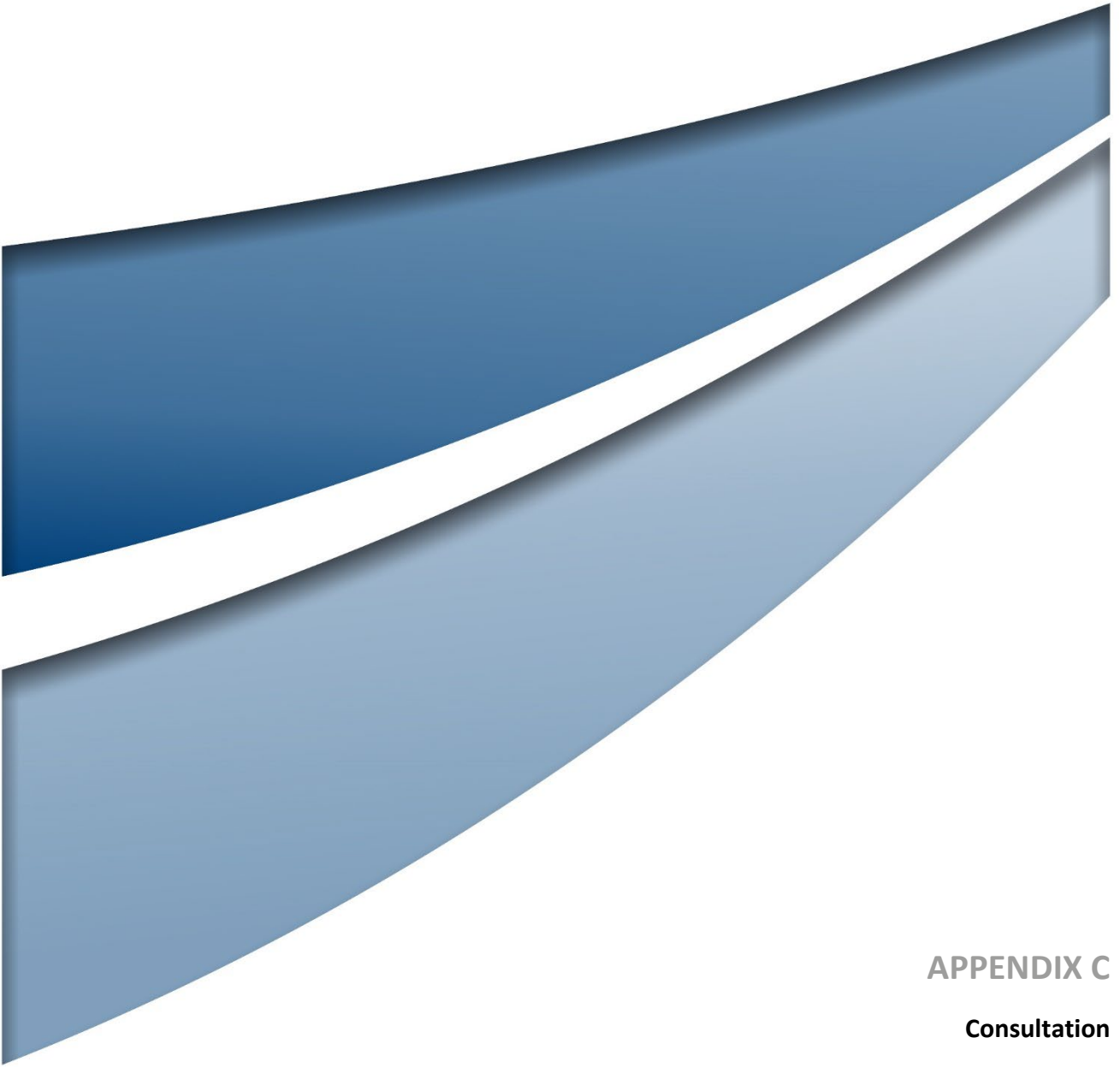


APPENDIX B

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)	An area where Aboriginal objects may occur below the ground surface. 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. Unless previously identified, it is considered unlikely that a PAD would be classified through an unexpected finds process.
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	Usually, a source of good quality stone which is quarried and used for the production of stone tools. 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.



APPENDIX C

Consultation

C.1: RAP Consultation in Developing This Plan

In accordance with CoA B13(a), Umwelt consulted RAPs in developing this plan. Aboriginal consultation for this ACHMP 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 ACHA.

Umwelt distributed a draft version of this ACHMP to all RAPs (as per their email contact details in **Table 3.1** of this ACHMP) on Wednesday 11 October 2023 their review and comment by 8 November 2023 (refer email excerpt below). Two responses were received:

- Laurence Perry from Wonnarua Nation Aboriginal Corporation sent an acknowledge of receiving the draft without further comment.
- Steven Johnson from Woka Aboriginal Corporation commented “Our corporation members have read and reviewed the ACHMP draft with no concerns raised and in agreeance. We look forward to further consultation”.

These comments did not raise any issues with the ACHMP, and without additional RAP comments, the draft ACHMP was not changed as a result of the consultation period.

Documentation of this consultation is attached in this appendix.

From: Ryan Desic
To: normarch60@gmail.com; [Arthur Fletcher](mailto:Arthur.Fletcher@widescope.com.au); [lilly carroll](mailto:lilly.carroll@widescope.com.au); [WIDESCOPE_;](mailto:WIDESCOPE_@LowerHunterAboriginalIncorporated.com) Cazadirect@live.com; christinepaul737@gmail.com; corroboreecorp@bigpond.com; tracey@marrung-pa.com.au; raa02@bigpond.com; [Tara Dever](mailto:Tara.Dever@connorscelia@yahoo.com.au); connorscelia@yahoo.com.au; sites@ungooroo.com.au; mschulz@ungooroo.com.au; wokacorp@yahoo.com; laurie.perry2020@outlook.com; [C.McDougall](mailto:C.McDougall@scottfranks.com.au); [Scott Franks](mailto:Scott.Franks@scottfranks.com.au)
Cc: [Jodi Wood](mailto:Jodi.Wood@scottfranks.com.au); [Sarah Mane](mailto:Sarah.Mane@scottfranks.com.au)
Subject: Lenaghan Lateral Pipeline Project: Draft ACHMP for RAP Review
Date: Wednesday, 11 October 2023 12:53:00 PM
Attachments: [2219_LenaghanLP_ACHMP_v1DRAFT_RAPs.pdf](#)

Dear Registered Party

Thank you for your continued involvement in Aboriginal consultation for the proposed Lenaghan Lateral Pipeline Project (proponent Jemena). The attached draft Aboriginal Cultural Heritage Management Plan (ACHMP) is required in accordance with development consent that was granted for the project in August 2023. This plan incorporates the relevant management measures presented in the project Aboriginal Cultural Heritage Assessment Report (ACHA) (Umwelt 2022) submitted as part of the EIS, and conditions of consent relating to Aboriginal cultural heritage. For context, this project is closely associated with the Kurri Kurri Lateral Pipeline Project, and is adjacent to Lenaghans Drive near Hexham Swamp (the eastern extent of the Kurri Kurri Lateral Pipeline Project).

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 8 November 2023**.

The draft ACHMP is attached to this email.

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

Regards,

Ryan Desic

Principal Archaeologist - NSW/ACT Team Leader

p. **1300 793 267**

m. **0411 329 712**

w. www.umwelt.com.au



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From: [Steven Johnson](#)
To: [Ryan Desic](#)
Subject: Re: Lenaghan Lateral Pipeline Project: Draft ACHMP for RAP Review
Date: Monday, 16 October 2023 12:22:23 PM

*This message originated from outside of Umwelt - **BE CAUTIOUS** opening any link or attachment.*

Dear Ryan

Our corporation members have read and reviewed the ACHMP draft with no concerns raised and in ageance.
We look forward to further consultation

Regards
SteveJohnson

[Sent from Yahoo Mail for iPad](#)

On Wednesday, October 11, 2023, 12:54 pm, Ryan Desic <rdesic@umwelt.com.au> wrote:

Dear Registered Party

Thank you for your continued involvement in Aboriginal consultation for the proposed Lenaghan Lateral Pipeline Project (proponent Jemena). The attached draft Aboriginal Cultural Heritage Management Plan (ACHMP) is required in accordance with development consent that was granted for the project in August 2023. This plan incorporates the relevant management measures presented in the project Aboriginal Cultural Heritage Assessment Report (ACHA) (Umwelt 2022) submitted as part of the EIS, and conditions of consent relating to Aboriginal cultural heritage. For context, this project is closely associated with the Kurri Kurri Lateral Pipeline Project, and is adjacent to Lenaghans Drive near Hexham Swamp (the eastern extent of the Kurri Kurri Lateral Pipeline Project).

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Regards,

Ryan Desic

Principal Archaeologist - NSW/ACT Team Leader

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m. **0411 329 712**
w. www.umwelt.com.au



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From: [Lawrence Perry](#)
To: [Ryan Desic](#)
Subject: RE: Lenaghan Lateral Pipeline Project: Draft ACHMP for RAP Review
Date: Thursday, 12 October 2023 2:49:46 PM
Attachments: [image001.png](#)

This message originated from outside of Umwelt - **BE CAUTIOUS** opening any link or attachment.

Hi Ryan

Thank you

Cheers

Laurie Perry

Chief Executive Officer

Wonnarua Nation Aboriginal Corporation

T 02 6571 8595 **M** 0412 593 020 **E** laurie.perry2020@outlook.com

Ground Floor 254 John St Singleton NSW 2330

PO BOX 3066 Singleton 2330

W www.wonnarua.org.au

E enquiries@wonnarua.org.au



We acknowledge the Traditional Custodians of the Land I work on and pay my respect to Elders both past, present and future.

From: Ryan Desic

Sent: Wednesday, October 11, 2023 12:54 PM

To: normarch60@gmail.com; Arthur Fletcher <Wonn1sites@gmail.com>; lilly carroll <didgengunawalclan@yahoo.com.au>; WIDESCOPE <widescope.group@live.com>; 'Lower Hunter Aboriginal Incorporated' <lowerhunterai@gmail.com>; Cazadirect@live.com; christinepaul737@gmail.com; corroboreecorp@bigpond.com; tracey@marrung-pa.com.au; rara02@bigpond.com; Tara Dever <Ceo@mindaribbalalc.org>; connorscelia@yahoo.com.au; sites@ungooroo.com.au; mschulz@ungooroo.com.au; wokacorp@yahoo.com; laurie.perry2020@outlook.com; C McDougall <cmcdougall49@yahoo.com>; Scott Franks <scott@yarrowalk.com.au>

Cc: Jodi Wood <jodi.wood@jemena.com.au>; Sarah Mane <Smene@umwelt.com.au>

Subject: Lenaghan Lateral Pipeline Project: Draft ACHMP for RAP Review

Dear Registered Party

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

Regards,

Ryan Desic

Principal Archaeologist - NSW/ACT Team Leader

p. **1300 793 267**

m. **0411 329 712**

w. www.umwelt.com.au



C.2: Consultation with Heritage NSW

Heritage NSW provided comments on Version 3 of this document (8 November 2023 version) on 22 November 2023. These comments are attached in this appendix. These comments were accepted in full and integrated into the ACHMP.

The table below provides a summary of Heritage NSW’s comments and how they have been addressed.

Heritage NSW Comment	How comments have been addressed
<p>Please include provisions for consultation with Heritage NSW if highly significant finds are identified (e.g., scarred trees).</p>	<p>Table 5.1 of the ACHMP has been updated to require consultation with Heritage NSW in the event that scarred trees are identified, and that consultation with Heritage NSW is required if any ‘Unexpected Site Types’ are identified.</p> <p>Furthermore, the addressing of Heritage Comments 2 and 3 below includes further provisions for consultation with Heritage NSW if highly significant finds are identified.</p>
<p>Recommend that Phase 2 excavation methodology is updated to include additional consultation with the Registered Aboriginal Parties and Heritage NSW if more than 1,000 artefacts are identified.</p>	<p>Appendix 1 under the ‘Salvage Excavations’ heading has been updated to address this comment with the following:</p> <p><i>“If 1,000 artefacts have been recovered and the open area results indicate that cultural materials of similar frequencies are likely to extend beyond the limit of excavation (within the Modification disturbance footprint), then additional consultation with RAPs and Heritage NSW is required prior to any Modification construction related impacts in the PAD area.”</i></p>
<p>The Aboriginal Cultural Heritage Assessment Report provided in the Response to Submissions for SSI-46360740 included provisions for project redesign in locally and regionally significant archaeological materials were identified (Section 11.2.2). Such provisions have not been included in the ACHMP. Please update the ACHMP to include this provisions.</p>	<p>Appendix 1 under the ‘Excavation Methods’ heading has been updated to address this comment with the following:</p> <p><i>“If at any phase of archaeological excavation, locally and regionally significance archaeological materials are identified, Jemena must consider options for project redesign in consultation with RAPs and Heritage NSW. In the event of suspected locally and regionally significant finds, the stop works procedure outlined in Section 5.5 of this ACHMP would apply until a resolution is made after consultation with RAPs and Heritage NSW. Examples of cultural materials that would reach this threshold include:</i></p> <ul style="list-style-type: none"> • <i>Confirmed human skeletal remains.</i> • <i>Archaeological deposits of over 1,000 artefacts (if identified through excavation).</i> • <i>Materials that meet the definition of ‘Unexpected Site Type’ in Table 5.1 of this ACHMP.”</i>



Jodi Wood
Approval and Stakeholder Manager
Jemena
jodi.wood@jemena.com.au

Your reference: SSI-46360740
Our reference: DOC23/985559

Dear Jodi,

Aboriginal Cultural Heritage Management Plan – State Significant Infrastructure – Lenaghan Lateral Pipeline: Killingworth to Kooragang Island Gas Pipeline - SSI-46360740

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

Heritage NSW understands the ACHMP has been submitted in accordance with the Minister's Conditions of Approval (CoA), Part B, Condition B13. Heritage NSW recommends the following amendments be made to the ACHMP:

- Please include provisions for consultation with Heritage NSW if highly significant finds are identified (e.g., scarred trees).
- Recommend that Phase 2 excavation methodology is updated to include additional consultation with the Registered Aboriginal Parties and Heritage NSW if more than 1,000 artefacts are identified.
- The Aboriginal Cultural Heritage Assessment Report provided in the Response to Submissions for SSI-46360740 included provisions for project redesign in locally and regionally significant archaeological materials were identified (Section 11.2.2). Such provisions have not been included in the ACHMP. Please update the ACHMP to include these provisions.

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

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

Yours sincerely

Nicole Davis

Nicole Davis

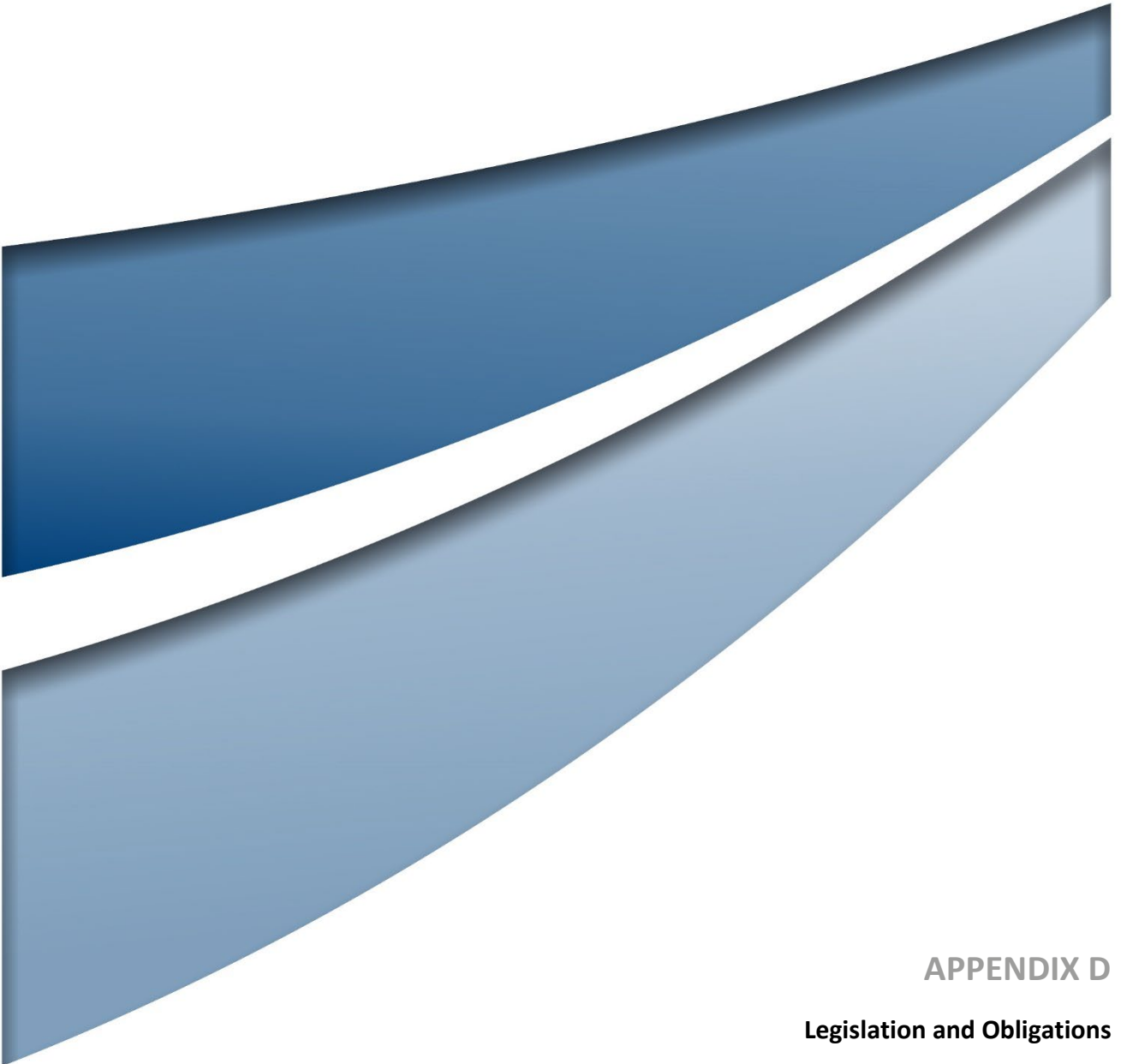
Manager Assessments

Heritage NSW

Department of Planning and Environment

(As Delegate under *National Parks and Wildlife Act 1974*)

Date: 22 November 2023



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:

- Destroys, defaces or damages the object or place, or
- In relation to an object-moves the object from the land on which it had been situated, or
- Is specified by the regulations, or
- 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:
- Desecrates the object or place, or
- Is trivial or negligible, or
- 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 (this would require an update to the ACHMP). 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:

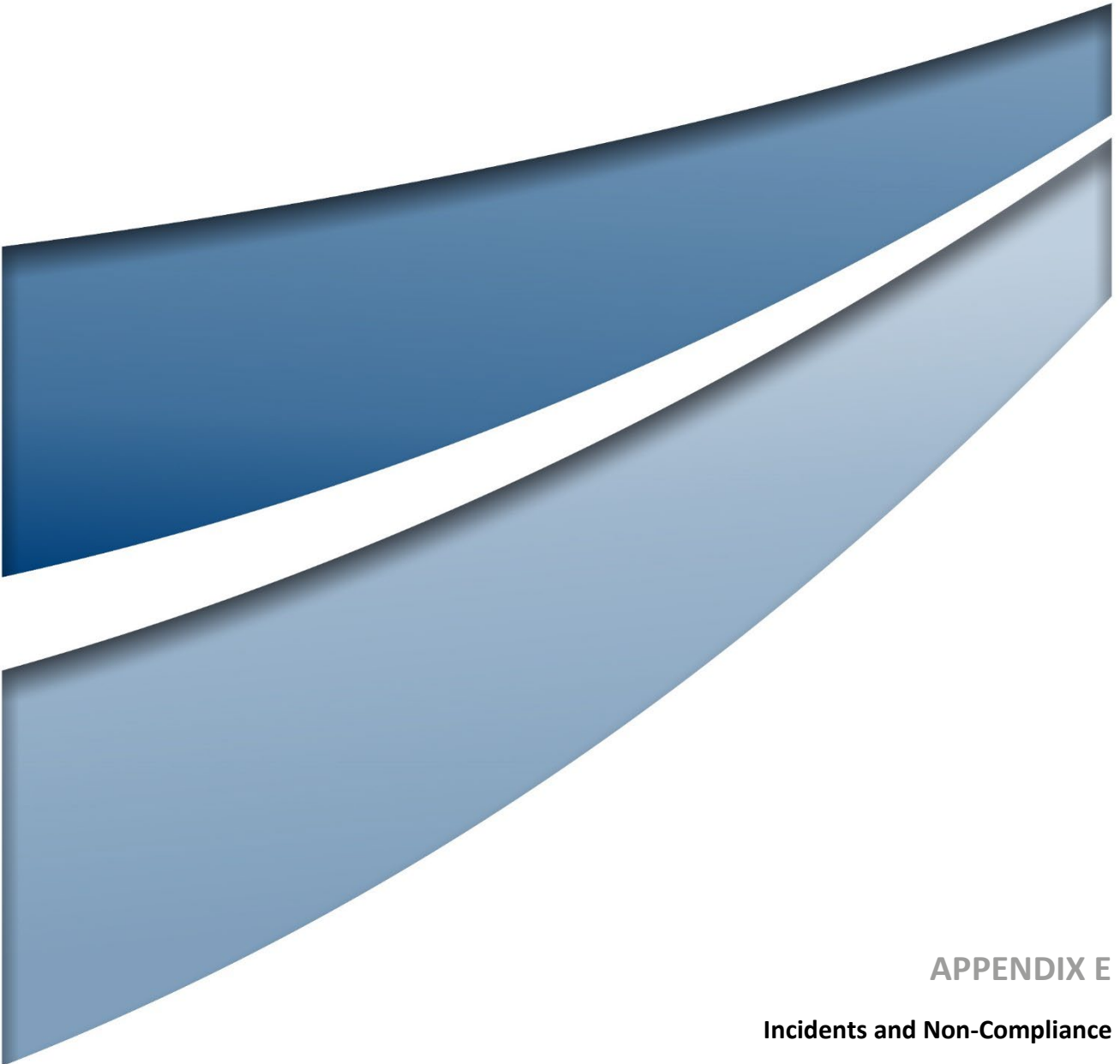
- A result of test excavation carried out in accordance with the Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW.
- Authorised by an Aboriginal Heritage Impact Permit (AHIP) issued by Heritage NSW.
- Undertaken for the purpose of complying with Secretary's environmental 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>.



APPENDIX E

Incidents and Non-Compliance

Incident Notification, Reporting and Response

An Incident is 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. Incidents will be reported in accordance with Jemena's Incident Reporting Procedure.

All incidents which cause, or hazards which have the potential to cause environmental harm, including near misses, are to be reported, regardless of size of impacts.

The Contractor will implement reporting procedures to record any environmental non-compliance or incidents. The procedures are to be agreed with JEMENA prior to commencement of works and in accordance with Infrastructure Approval conditions.

The Contractor Construction Manager will be responsible for reporting to the Jemena Project Manager.

The Principal Contractor will notify Jemena upon becoming aware of an incident, and Jemena will then immediately notify the Secretary in writing via the Major Projects website.

Written notification shall:

- Identify the development and application number.
- Provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident).
- Identify how the incident was detected.
- Identify when the Proponent became aware of the incident.
- Identify any actual or potential non-compliance with conditions of approval.
- Describe what immediate steps were taken in relation to the incident.
- Identify further action(s) that will be taken in relation to the incident.
- Identify a development contact for further communication regarding the incident.

Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Secretary, the Jemena 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, as such further reports as may be requested. The Incident Report must include:

- A summary of the incident.
- Outcomes of an incident investigation, including identification of the cause of the incident.
- Details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence.

Details of any communication with other stakeholders regarding the incident.

Compliance Register

A compliance register has been developed for the Project that includes the conditions set out in the Infrastructure Approval and commitments made in the KKLP EIS that must be complied with during construction of the Project. The register shall be maintained and updated throughout the course of the Project and will identify the type of data that has been collected to assess whether compliance has been achieved.

The Compliance Register will be used to inform compliance reports described in this appendix.

Non-compliance

Non-compliances or potential non-compliances are situations that do not comply with a requirement, standard or procedure that is part of the environmental management system for the Project. This includes a breach of any Infrastructure Approval condition. Non-compliances are also recorded as incidents as per the incident management process outlined in **Section 6.2.3**.

Construction activities associated with a non-compliance may be stopped by the Principal Contractor or other Project personnel, until a corrective or preventative action has been put in place to resolve the non-compliance and ensure it will not continue or be repeated.

Non-compliance Notification

Non-compliances or potential non-compliances are situations that do not comply with the requirements or procedures stipulated in this EMS or the associated sub-plans. Non-compliances or potential non-compliances may be identified:

- During site inspections, supervision or monitoring of construction activities.
- During internal audits.
- As a result of complaints.

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

A non-compliance notification must:

- Identify the development and application number (22338205).
- Set out the condition of approval that the development is non-compliant with.
- Identify the way in which the development does not comply and the reasons for the non-compliance (if known).
- What actions have been, or will be, undertaken to address the non-compliance.

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

Compliance Reporting

Compliance Reports of the development must be carried out by Jemena with support of the Principal Contractor. Reporting is to be carried out in accordance with the *Compliance Reporting Requirements outlined in the Compliance Reporting Post Approval Requirements (DPIE, 2020a)* or its latest version.

Compliance Reports will be submitted by Jemena via the Major Projects website in accordance with the timeframes set out in the *Compliance Reporting Post Approval Requirements (DPIE, 2020a)*, which specifies intervals no greater than 52 weeks. In accordance with Infrastructure Approval condition C12, the Planning Secretary may approve a request for ongoing annual operation compliance reports to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an operational compliance report has demonstrated operational compliance.

Compliance reports will be made publicly available within 60 days of submission to the Planning Secretary, unless otherwise agreed by the Planning Secretary.