



Moree, view north

CULTURAL HERITAGE MANAGEMENT PLAN

MOREE SPECIAL ACTIVATION PRECINCT

MOREE, NSW

JUNE 2022

Report prepared by
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for Regional Growth NSW Development Corporation



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Acknowledgement

OzArk acknowledge the traditional custodians of the area on which this assessment took place and pay respect to their beliefs, cultural heritage, and continuing connection with the land. We also acknowledge and pay respect to the post-contact experiences of Aboriginal people with attachment to the area and to the Elders, past and present, as the next generation of role models and vessels for memories, traditions, culture and hopes of local Aboriginal people.

ABBREVIATIONS AND GLOSSARY

ACHAR	Aboriginal Cultural Heritage Assessment Report. As set out in the <i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i> , all developments where harm to Aboriginal objects is likely must be assessed in an ACHAR.
ACHCRs	<i>Aboriginal Cultural Heritage Consultation Requirements for Proponents</i> . Guidelines for conducting Aboriginal community consultation for developments where harm to Aboriginal objects is likely.
AHIMS	Aboriginal Heritage Information Management System. Administered by the DPE, AHIMS is the central register of all Aboriginal sites within NSW.
AHIP	Aboriginal Heritage Impact Permit. Issued by Heritage NSW to allow harm to Aboriginal objects.
ASIRF	Aboriginal Site Impact Recording Form
ATSIHP	<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i>
Code of Practice	<i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i> under Part 6 NPW Act. Issued by DECCW in 2010, the Code of Practice is a set of guidelines that allows limited test excavation without the need to apply for an AHIP.
The Plan	Cultural Heritage Management Plan
DPE	NSW Department of Planning and Environment
EP&A Act	NSW <i>Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
ha	hectares
Heritage Act	NSW <i>Heritage Act 1977</i>
Heritage NSW	Government department tasked with ensuring compliance with the NPW Act. Heritage NSW is advised by the Aboriginal Cultural Heritage Advisory Committee (ACHAC)
LALC	Local Aboriginal Land Council
LGA	Local Government Area
m	metres
NPW Act	NSW <i>National Parks and Wildlife Act 1974</i> . Primary legislation governing Aboriginal cultural heritage within NSW.

NSW	News South Wales
RAP	Registered Aboriginal Party. An individual or group who have indicated through the ACHCR process that they wish to be consulted regarding the project.
RAZ	Rural Activity Zone
REZ	Regional Enterprise Zone
RGDC	Regional Growth NSW Development Corporation
SAP	Special Activation Precinct
SEPP	State Environmental Planning Policies
SHR	State Heritage Register
SP1	Special Activities
SP2	Special Purpose Infrastructure

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1 INTRODUCTION

This Cultural Heritage Management Plan (the Plan) provides heritage management measures for both Aboriginal and historic heritage and applies to the Moree Special Activation Precinct (SAP).

The Moree SAP encompasses an area of 4486 hectares (ha) located to the south of Moree township. The SAP is situated within the Moree Plains Local Government Area (LGA), spans both sides of the Newell Highway, and includes the Moree Regional Airport and Inland Rail Corridor.

1.1 PURPOSE

The purpose of this Plan is to manage heritage in a sensitive and appropriate manner while also helping future businesses and developments within the Moree SAP to clearly determine their requirements regarding cultural heritage prior to and during development and/or construction.

This Plan is to ensure that Aboriginal and historic cultural heritage within the Moree SAP is managed appropriately with respect to all relevant legislation and in consultation with relevant stakeholders.

1.2 MOREE SAP BACKGROUND

The objective of the Moree SAP is to deliver fast-tracked planning and approval processes that will provide businesses and investors with certainty. This Plan will be used in conjunction with the following documents:

- The Moree SAP Structure Plan (WSP 2021)
- The Moree SAP Master Plan (Department of Planning, Industry and Environment 2021)
- The draft Moree SAP Delivery Plan (RGDC June 2022).

Unlike standard Cultural Heritage Management Plans, this Plan is governed in a large part by the requirements of these documents.

1.2.1 The Moree SAP Structure Plan (DPIE 2021)

This document scopes the aim of the Moree SAP, which is to distinguish Moree from other regional growth centres by creating an economic precinct of national importance and scale. The Moree SAP Structure Plan defines eight sub-precincts within the broader SAP boundary, each tailored to specific economic development. These sub-precincts are further detailed in the Master Plan.

1.2.2 The Moree SAP Master Plan (DPIE 2021)

Following the Structure Plan, this document identifies the vision, aspirations, and principles for the Moree SAP. It provides more detailed, sub-precinct land use controls and identifies performance criteria for amenity, environmental performance, and infrastructure provision. The

sub-precincts are detailed in terms of proposed land use in relation to land use zoning designations (Table 1-1). It further scopes the finer detailed matters that will be addressed in the subsequent Moree SAP Delivery Plan.

There are eight Moree SAP sub-precincts proposed within the SAP area. These include:

- General Enterprise
- Air Transport
- Gateway
- Central
- Central Solar
- Resource Recover and Recreation
- Rural Buffer and
- Large Industry/energy (Solar)

These sub-precincts will be developed in relation to four primary land use zones as identified in Table 1-1 and shown on Figure 1-1.

Figure 1-1. Permissible land used related to each of these zones is also included below.

Table 1-1: Moree SAP zoning and anticipated land use.

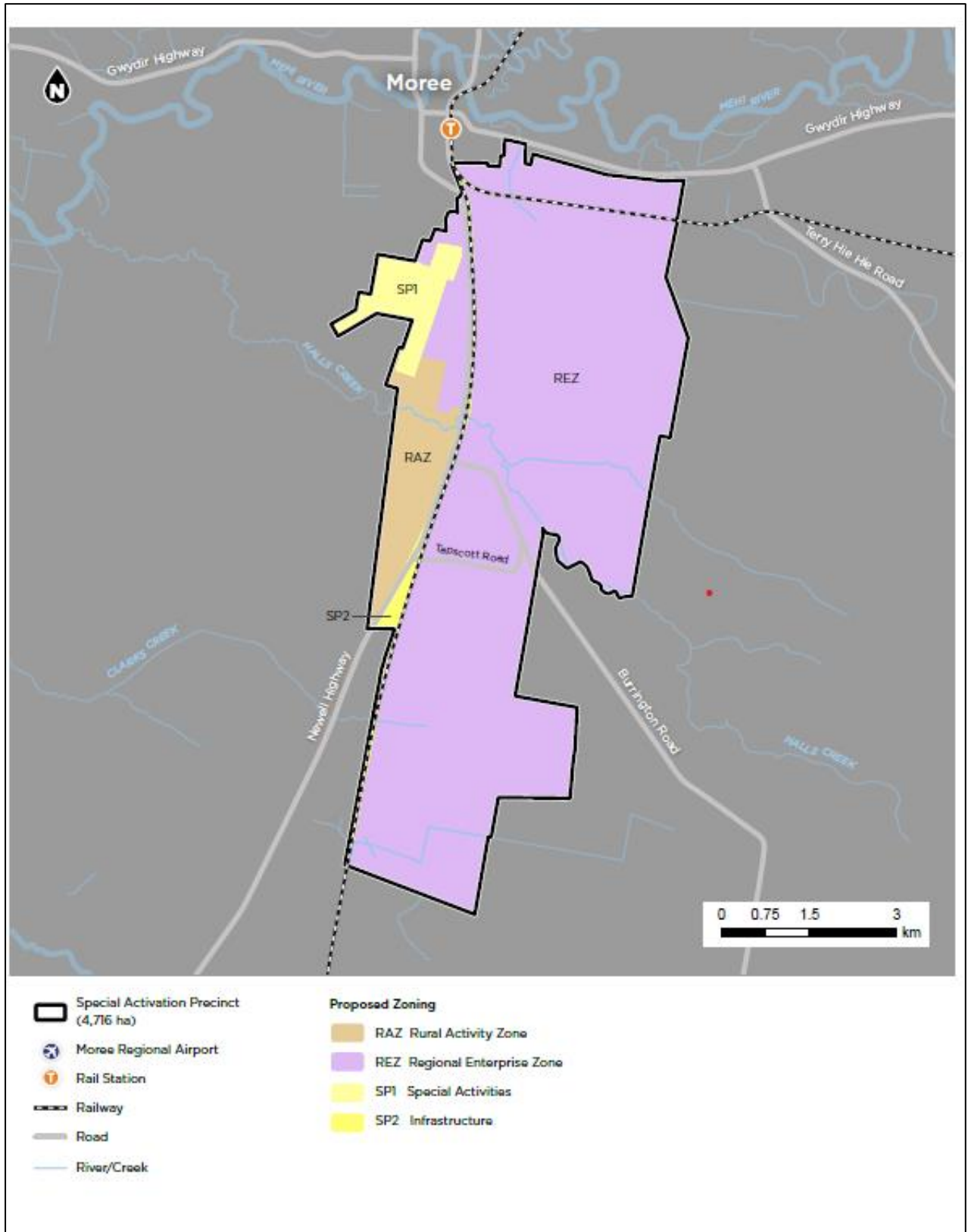
Proposed SAP Zoning	Land Uses (Department of Planning, Industry and Environment 2021)
Regional Enterprise Zone (REZ)	Agriculture, Commercial Premises, Electricity Generating Works, Industry, Rural Industry, Sewerage System, Signage, Waste or Resource Management Facility, Water Supply System; ancillary uses and supporting infrastructure
Rural Activity Zone (RAZ)	Agriculture, ancillary uses and supporting utilities and infrastructure
Special Activities (SP1)	Air and transport infrastructure
Special Purpose Infrastructure (SP2)	Any purpose is shown on the Land Zoning Map, waste or resource management, water supply systems

The Master Plan requires that the management of Aboriginal cultural heritage objects will be based on the principles of protection, maintenance, and enhancement to preserve the significance of Gamilaroi sites, culturally significant vegetation, and Aboriginal objects.

Section 3.2 of the Master Plan requires that this Plan be prepared. This Plan will be prepared in consultation with Heritage NSW (the Department of Planning and Environment [DPE]), the Gamilaroi Aboriginal Reference Group (when formed), the Moree Plains Shire Council, and the Moree Local Aboriginal Land Council. The Master Plan states that this Plan will include measures to:

- Maintain and advance Aboriginal sites in the Precinct
- Maintain ongoing dialogue regarding Designing with Country, that includes “letting Country speak for herself”, considering place, history and spirit, hills, plains, and waterways
- Conduct further field survey work to be undertaken for land where additional heritage impact assessment is needed
- Provide storage space in the Precinct or an alternate suitable location to retain and manage any Aboriginal heritage items found on Country.

Figure 1-1: Moree SAP Precinct proposed zoning.



1.2.3 The Moree SAP Delivery Plan (RGDC 2022)

A Delivery Plan is a statutory document, referenced by the *State Environmental Planning Policy (Precincts-Regional) 2021* (Precincts Regional SEPP). This SEPP is discussed in more detail in **Section 2.2.4**, however, Section 3.7 of the Precincts Regional SEPP states that a specific Delivery Plan is required before any development can occur within the Moree SAP boundary. The Delivery Plan provides:

- Precinct design principles
- Precinct revegetation strategy
- Infrastructure (enabling and design principles)
- Subdivision guidelines
- Development assessment criteria
- Monitoring, reporting and compliance
- Mapping (constraints, infrastructure works)

The Delivery Plan envisages that most development within the SAP will be complying development (as per Schedule 1B Part 2 of the Precincts Regional SEPP). If a development proposal cannot be complying development, investors may utilise the existing approval pathways within Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), where the Planning Secretary is the consent authority.

Overall the Delivery Plan sets out a series of design principles (Chapter 2), the second of which incorporates celebration of the local community and their Connection to Country. This is further developed in the subdivision planning objectives (Chapter 5).

The Delivery Plan dictates that a cultural heritage management plan be developed for Moree SAP and that crucially, complying development cannot be located on land on which a heritage item or Aboriginal object or place of Aboriginal heritage significance is located.

Performance criteria PC49, as per Chapter 6.3.1.2 of the Delivery Plan, requires that culturally significant Gamilaroi Aboriginal places, sites and objects are protected, via the following measures:

Performance measure A49.1 requires that:

- 'Development avoids impacts to Aboriginal cultural heritage and is undertaken in accordance with the precinct's Cultural Heritage Management Plan.'

Performance measure A49.2 requires that:

- 'The design and layout of development, streets, lots, and infrastructure retains (in place) and integrates scarred dhulu-trees, identified artefact sites and other indigenous cultural heritage places of importance within areas of environmental significance and green space that is publicly accessible.'

Performance measure A49.3 requires that:

- 'Development promotes the history and landscape values of the site by considering story-telling and memory through site layout, building design and/or interpretative signage.'

Performance measure A49.4 required that:

- 'Ensure that the Aboriginal community have access to sites and places of cultural significance.'

Development Plan performance measure B46.1 requires that:

- Where development cannot avoid impacts on Aboriginal cultural heritage, development undertakes an Aboriginal cultural heritage assessment, with a view to following the appropriate Heritage NSW Codes and Guides to apply for an Aboriginal Heritage Impact Permit (AHIP) if necessary.

1.2.4 Moree SAP cultural heritage assessment

The initial technical studies for the Moree SAP began in 2020, with a final heritage report produced in 2021 (Aurecon 2021). Aboriginal community consultation was undertaken according to the *Aboriginal Cultural Heritage Consultation Requirements for proponents* (DECCW 2010a) in conjunction with the development of the heritage report.

Additional field assessment will be undertaken in 2022 (OzArk 2022), with the purpose being to ensure that the northern portion of the Moree SAP had seen sufficient survey to support early works infrastructure and proposed future works, and the development goals of the Precincts - Regional SEPP.

It is noted that Aurecon 2021 did not record any significant historic heritage sites/places within the SAP Precinct, nor did the additional 2022 survey work (OzArk 2022). As a result, although this Plan does also cover historic heritage, this is primarily in terms of unanticipated finds, as there are no known significant historic sites/places within the Moree SAP Precinct that require management.

A summary of the Aboriginal cultural heritage values located within the Moree SAP Precinct identified by Aurecon 2021, as well as previous cultural heritage assessments undertaken within the Moree SAP Precinct, is presented in **Section 4.2**.

1.3 OBJECTIVE AND OUTCOMES

This Plan has been developed to satisfy consent requirements under the Precincts Regional SEPP, to be in accordance with the Master Plan and Delivery Plan, and to ensure that Aboriginal and historic cultural heritage within the Moree SAP Precinct is managed appropriately with respect to all relevant legislation and in consultation with relevant stakeholders.

The objectives of this Plan are to set out controls and protocols to prevent unapproved harm to any identified and/or unidentified Aboriginal or historic cultural heritage objects or values on land within the Moree SAP Precinct.

This Plan:

- Details the management procedures for Aboriginal and historic heritage within the Moree SAP Precinct
- Details reporting and further heritage assessment requirements
- Presents a process for ongoing Aboriginal community consultation
- Outlines the obligations of Moree SAP personnel to protect Aboriginal and historic sites not subject to approved harm
- Describes the roles and responsibilities in managing Aboriginal and historic heritage sites
- Provides recommendations for continuous improvement through auditing and plan modification.

The way this Plan addresses the applicable statutory requirements is detailed in **Section 2**.

2 REGULATORY BACKGROUND

Cultural heritage is managed by several state and national Acts. Baseline principles for the conservation of heritage places and relics can be found in the *Burra Charter* (ICOMOS 2013). The *Burra Charter* has become the standard of best practice in the conservation of heritage places in Australia, and heritage organisations and local government authorities have incorporated the inherent principles and logic into guidelines and other conservation planning documents. The *Burra Charter* generally advocates a cautious approach to changing places of heritage significance. This conservative notion embodies the basic premise behind legislation designed to protect our heritage, which operates primarily at a state level.

Several Acts of Parliament provide for the protection of heritage at various levels of government.

2.1 COMMONWEALTH LEGISLATION

2.1.1 Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act)

The EPBC Act, administered by the Commonwealth Department of Climate Change, Energy, the Environment and Water, provides a framework to protect nationally significant flora, fauna, ecological communities, and heritage places. The EPBC Act establishes both a National Heritage List and a Commonwealth Heritage List of protected places. These lists may include Aboriginal cultural sites or sites in which Aboriginal people have interests. The assessment and permitting processes of the EPBC Act are triggered when a proposed activity or development could potentially have an impact on one of the matters of national environment significance listed by the Act. Ministerial approval is required under the EPBC Act for proposals involving significant impacts on national/commonwealth heritage places.

2.1.2 Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (ATSIHP Act)

The ATSIHP Act is aimed at the protection from injury and desecration of areas and objects that are of significance to Aboriginal Australians. This legislation has usually been invoked in emergency and conflicted situations.

Applicability to the Moree SAP

It is noted there are no Commonwealth or National heritage listed places within the study area, and as such, the heritage provisions of the EPBC Act and other Commonwealth Acts do not apply.

2.2 STATE LEGISLATION

2.2.1 Environmental Planning and Assessment Act 1979 (EP&A Act)

This Act established requirements relating to land use and planning. The main parts of the EP&A Act that relate to development assessment and approval are Part 4 (development assessment) and Part 5 (environmental assessment). The Minister responsible for the Act is the Minister for Planning.

The EP&A Act currently provides the primary legislative basis for planning and environmental assessment in NSW. The objects of the EP&A Act include encouragement of:

- The proper management, development, and conservation of natural resources
- The provision and coordination of the orderly and economic use and development of land
- Protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats
- Ecologically sustainable development.

The objects also provide for increased opportunity for public involvement and participation in environmental planning and assessment.

The EP&A Act includes provisions to ensure that the potential environmental impacts of a development or activity are rigorously assessed and considered in the decision-making process.

The framework governing environmental and heritage assessment in NSW is contained within the following parts of the EP&A Act:

- Part 4: Local government development assessments, including heritage
- Part 5: Environmental impact assessment on any heritage items which may be impacted by activities undertaken by a state government authority or a local government acting as a self-determining authority.

Applicable to this Plan is Part 4 Division 4.5 which sets out the regulations around obtaining a complying development certificate.

2.2.1.1 *Applicability to the Moree SAP*

As the Precincts Regional SEPP indicates, this legislation is not applicable, if the proposed development within the Moree SAP Precinct is complying development (as per Part 4 Division 4.5 of the EP&A Act). A developer would require an activation precinct certificate to apply for a complying development certificate. If a development proposal cannot be complying development,

the development may utilise the existing approval pathways within Part 4 of the EP&A Act, where the Planning Secretary is the consent authority.

2.2.2 National Parks and Wildlife Act 1974 (NPW Act)

The NPW Act provides for the protection of Aboriginal objects (sites, objects, and cultural material) and Aboriginal places. Under the Act (Part 6), an Aboriginal object is defined as:

‘any deposit, object, or material evidence (not being a handicraft for sale) relating to indigenous and non-European habitation of the area that comprises NSW, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction and includes Aboriginal remains.’

An Aboriginal place is defined under the NPW Act as:

‘an area which has been declared by the Minister administering the Act as a place of special significance for Aboriginal culture. It may or may not contain physical Aboriginal objects.’

It is an offence under Section 86 of the NPW Act to ‘harm or desecrate an object the person knows is an Aboriginal object’. It is also a strict liability offence to ‘harm an Aboriginal object’ or to ‘harm or desecrate an Aboriginal place’, whether knowingly or unknowingly. Section 87 of the Act provides a series of defences against the offences listed in Section 86, such as:

- The harm was authorised by and conducted in accordance with the requirements of an AHIP under Section 90 of the Act
- The defendant exercised ‘due diligence to determine whether the action would harm an Aboriginal object
- The harm to the Aboriginal object occurred during the undertaking of a ‘low impact activity’ (as defined in the regulations).

Under Section 89A of the Act, it is a requirement to notify the Secretary of DPE of the location of an Aboriginal object. Identified Aboriginal objects are registered on Aboriginal Heritage Information Management System (AHIMS) that is administered by Heritage NSW.

2.2.2.1 *Applicability to the Moree SAP*

Any Aboriginal objects within the Moree SAP are afforded legislative protection under the NPW Act.

The Planning Secretary will be informed of any Aboriginal objects recorded within the Moree SAP area by notifying the AHIMS register of their location, type, and condition.

If a proposed development in the Moree SAP Precinct is complying development, then it necessarily will not harm known Aboriginal objects. In the case that known Aboriginal objects are

proposed to be harmed, or in the situation where an unidentified Aboriginal object is discovered that may be harmed, then the proponent would be required to obtain an AHIP under Section 90 of the NPW Act.

This Plan contains policies and procedures to guide heritage management within the Moree SAP.

2.2.3 Heritage Act 1977 (Heritage Act)

The Heritage Act established the Heritage Council of NSW. The Heritage Council's role is to advise the government on the protection of heritage assets, make listing recommendations to the Minister in relation to the State Heritage Register (SHR), and assess/approve/decline proposals involving modification to heritage items or places listed on the SHR. Most proposals involving modification are assessed under Section 60 of the Heritage Act.

Automatic protection is afforded to 'relics', defined as:

'any deposit or material evidence relating to the settlement of the area that comprised New South Wales, not being Aboriginal settlement, and which holds state or local significance' (note: formerly the Act protected any 'relic' that was more than 50 years old.

Now the age determination has been dropped from the Act and relics are protected according to their heritage significance assessment rather than purely on their age. Excavation of land on which it is known or where there is reasonable cause to suspect that 'relics' will be exposed, moved, destroyed, discovered, or damaged is prohibited unless approved under an excavation permit.

2.2.3.1 Applicability to the Moree SAP

As no items of local or state historical heritage significance are present within the Moree SAP Precinct, this Act has limited applicability. If unanticipated historic relics of local or state significance are discovered, they would be afforded legislative protection under the Heritage Act.

2.2.4 State Environmental Planning Policy (SEPP)

SEPPs are environmental planning instruments that deal with matters of state or regional environmental planning significance under the EP&A Act. SEPPs affect how land is developed and how natural resources are used, managed, and conserved across NSW. The Activation Precincts SEPP commenced on 12 June 2020 and was superseded in 2021 by the Precincts Regional SEPP.

The aim of the Regional Precincts SEPP is to support simplified planning processes to streamline development in SAPs where they are consistent with an approved Master Plan and Delivery Plan.

The specific sections of the Precincts Regional SEPP that relate to heritage are as follows:

- Part 3.1, section 3.1, (c): protect and enhance land in those Precincts that have natural and cultural heritage value
- Part 3.2, section 3.6, (2) the master plan for an activation precinct must contain the following information –
 - (d): information about any heritage items, heritage conservation areas or places of heritage significance within the Activation Precinct
 - (e): limitations on development on land within the Activation Precinct, such as environmentally sensitive areas, contaminated land, flooding, and cultural heritage
- Part 3.2, section 3.7 (5) a delivery plan must contain the following information –
 - (d) any areas of environmental significance within the activation precinct
- Division 1, section 8 (3) to be complying development, the development must –
 - (c) not be carried out on land on which a heritage item or Aboriginal object is located or that is within a heritage conservation area or Aboriginal place of heritage significance.

Within *Schedule 1B Moree Activation Precinct*:

- Division 1, section 8 (4) to be complying development, the development must –
 - Not be carried out on land identified as within an environmentally sensitive area on the State Environmental Planning Policy (Activation Precincts) 2020 Moree Activation Precinct Environmentally Sensitive Areas Map unless—
 - (a) the development is for the purposes of environmental protection works or recreation areas, or
 - (b) if the development involves the clearing of native vegetation—development consent has been obtained in accordance with section 10.

2.2.4.1 *Applicability to the Moree SAP*

The Precincts Regional SEPP has been referenced through the discussion of the Master Plan and Delivery Plan (**Sections 1.2.2 and 0**) in reference to its guiding role in these documents. The requirements of this SEPP, as well as those of the Master Plan and Delivery Plan, are embodied within this Plan. It is important to note that the EP&A Act, the NPW Act and Heritage Act are not switched off by the Precincts Regional SEPP.

2.3 SUMMARY OF APPLICABILITY TO THE MOREE SAP

All Aboriginal objects within the Moree SAP are afforded legislative protection under the NPW Act. Although there are no historic heritage sites recorded across the SAP, the Heritage Act still affords protection to currently unidentified historic heritage with significant heritage values.

There are no Commonwealth or National heritage listed places within the Moree SAP, and as such, the heritage provisions of the EPBC Act and other Commonwealth Acts do not apply.

The EP&A Act, the NPW Act and the Heritage Act must be adhered to under the Precincts Regional SEPP. Importantly, the Precincts Regional SEPP does not allow harm to Aboriginal objects or significant historical heritage items and any harm must be managed under the NPW Act or the Heritage Act.

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3 CONSULTATION

3.1 CONSULTATION WITH GOVERNMENT STAKEHOLDERS

This Plan is to be prepared in consultation with Heritage NSW and RGDC.

To this end, the following consultation has occurred:

Details to be added once undertaken.

3.2 ABORIGINAL COMMUNITY CONSULTATION

Section 6.1.2 of Aurecon 2021 recommends ongoing consultation with the Registered Aboriginal Parties (RAPs) to be undertaken prior to any and all works proceeding.

Details to be added once undertaken.

3.2.1 Aboriginal parties consulted

The RAPs for the Moree SAP were identified by undertaking the guidelines established in the ACHCRs (DECCW 2010b) whereby an advertisement was placed in the local press and relevant agencies were contacted to determine if they were aware of groups or individuals who may have cultural knowledge of the region surrounding the Moree SAP Precinct.

During the ACHCRs undertaken by NGH (on behalf of Aurecon 2021), seven Aboriginal groups and/or individuals registered as RAPs for the Moree SAP:

- Moree Local Aboriginal Land Council (LALC)
- Polly/Maria Cutmore
- Terry Hie Hie Committee
- Terry Hie Hie Aboriginal Co-op
- Gomeroi Native Title Applicant
- AT Gamilaroi Cultural Consultancy
- Natasha Rodgers.

All RAPs were consulted throughout the entire assessment phase leading to the finalised heritage report, which was reviewed as per Stage 4 of the ACHCRs. This document contained management measures for the Aboriginal objects recorded within the Moree SAP Precinct at that time.

3.2.2 Consultation in developing this plan

During the drafting of this Plan, the seven existing Moree RAPs listed in **Section 3.2.1** were consulted. A log regarding the consultation is provided in **Appendix 1**.

Details to be added once undertaken.

3.2.3 Ongoing consultation protocols

RGDC will form and consult with a Gamilaroi Aboriginal Reference Group that may include the RAPs identified in **Section 3.2.1**. Consultation with the reference group will include, but not be limited to:

- Notification of new discoveries of Aboriginal objects (**Section 6.5.2**)
- Notification of new discoveries of Aboriginal skeletal material (**Section 6.5.1**)
- Updates to this Plan either for stipulated reviews over time (**Section 8.1**), or because of approved modifications or changes to the Master Plan or Delivery Plan
- Consultation over interpretive signage within the Moree SAP
- Involvement of the local Aboriginal community for the rehabilitation of Halls Creek and Clarks Creek riparian corridor
- Undertaking annual monitoring of the modified trees within the western extent of the Halls Creek riparian corridor
- On an annual basis, RGDC will provide an update to the reference group on any ACH issues from the previous year, this may be in the form of a written notification or a meeting.

3.2.4 Access to Aboriginal objects

Development at the Moree SAP Precinct will retain in place and integrate known scarred trees, identified artefact sites, and other Aboriginal cultural places of importance within landscaped and public areas of sites so that they are publicly accessible.

Subdivision layouts will provide for Aboriginal places and artefacts of importance to be maintained in place within public open space or road reserves so they can be appreciated by all.

In areas not publicly accessible, Aboriginal community access to Aboriginal sites will be made available by RGDC subject to reasonable safety and security measures, and landowner permission.

3.3 DISPUTE RESOLUTION PROCESS

RGDC will maintain a centralised location to record communications from relevant external stakeholders and procedures for stakeholder contact including a Complaints Procedure.

Complaints will be recorded and any investigation by RGDC, or their delegate, will also be recorded. Initial response to the complainant will be made as soon as practicable by RGDC or their delegate.

Follow up correspondence with the complainant will be made explaining the outcome of complaint investigations upon request.

As required, the investigation will involve:

- Contemporaneous recording of the complaint and the contact details of the complainant
- Investigation of the substance of complaint and the determination of what, if any, activity undertaken is responsible for or possibly contributing to the grievances identified in the complaint
- Immediate or future corrective actions to be undertaken by RGDC to prevent similar incidents in the future or to minimise the environmental impacts of the Moree SAP as appropriate
- Responding to the complainant (and regulators if appropriate) with the findings of the investigation and a proposed timeline for the implementation of corrective actions.

If the complainant is not satisfied with the actions of RGDC or RGDC is not satisfied with those proposed by the complainant, the matter may be referred to the DPE for independent review.

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4 MOREE SAP ABORIGINAL & HISTORIC CULTURAL HERITAGE VALUES

Although this section includes historic heritage, it is noted that no historic heritage of local or state significance has been identified within the Moree SAP and hence the following subsections focus on Aboriginal heritage.

4.1 SOCIO-CULTURAL VALUES

Socio-cultural values relate to the importance of a site or features to the relevant cultural group: in this case the Aboriginal community. Aspects of social value include the assessment of sites, objects and landscapes that are traditionally significant or that have contemporary importance to the Aboriginal community. This importance involves both traditional links with specific areas, as well as an overall concern by Aboriginal people for their sites generally and the continued protection of these. This type of value may not be in accord with interpretations made by the archaeologist. For example, a site may have low archaeological value but high social value, or vice versa.

4.1.1 Cultural values

While all sites within the SAP area hold value to the local Aboriginal community, the modified trees in particular were of high cultural value and recommended for avoidance by development wherever possible. In addition, the Halls Creek riparian corridor and its related sites, and in particular the Crawbob Creek area, hold contemporary and historic value to the Moree Aboriginal community.

It should be noted that the cultural values identified only relate to those areas surveyed by Aurecon 2021 and OzArk 2022. The cultural importance of the Great Artesian Basin and the Mehi and Gwydir Rivers (outside of the Moree SAP Precinct), as well as remnant patches of native bushtucker throughout the Moree SAP Precinct, were identified by the Moree SAP RAPs. Other areas of the Moree SAP Precinct are yet to be surveyed and therefore consultation to date likely does not reflect cultural values which underpin the entire Moree SAP Precinct.

4.2 ABORIGINAL SITES

Technical studies for the Moree SAP began in 2020, with a final heritage report produced in 2021 (Aurecon 2021). This stated that future development within the Special Activation Precinct aims to largely avoid all known heritage items, and that further investigation work would be required as land access becomes available.

A total of 32 Aboriginal sites are registered on AHIMS within the Moree SAP Precinct. Of these 32 Aboriginal sites, one site has been previously destroyed by a previous project in the area (having first been salvaged). Consequently, 31 Aboriginal sites remain valid inside the Moree

SAP Precinct. Any sites outside this zone will also be protected using other management protocols including fencing if they are under threat.

Table 4-1 outlines the details of valid Aboriginal sites inside the Moree SAP Precinct and **Figure 4-1** shows the location of these sites. The majority of Aboriginal sites listed in **Any sites** outside this zone will also be protected using other management protocols including fencing if they are under threat.

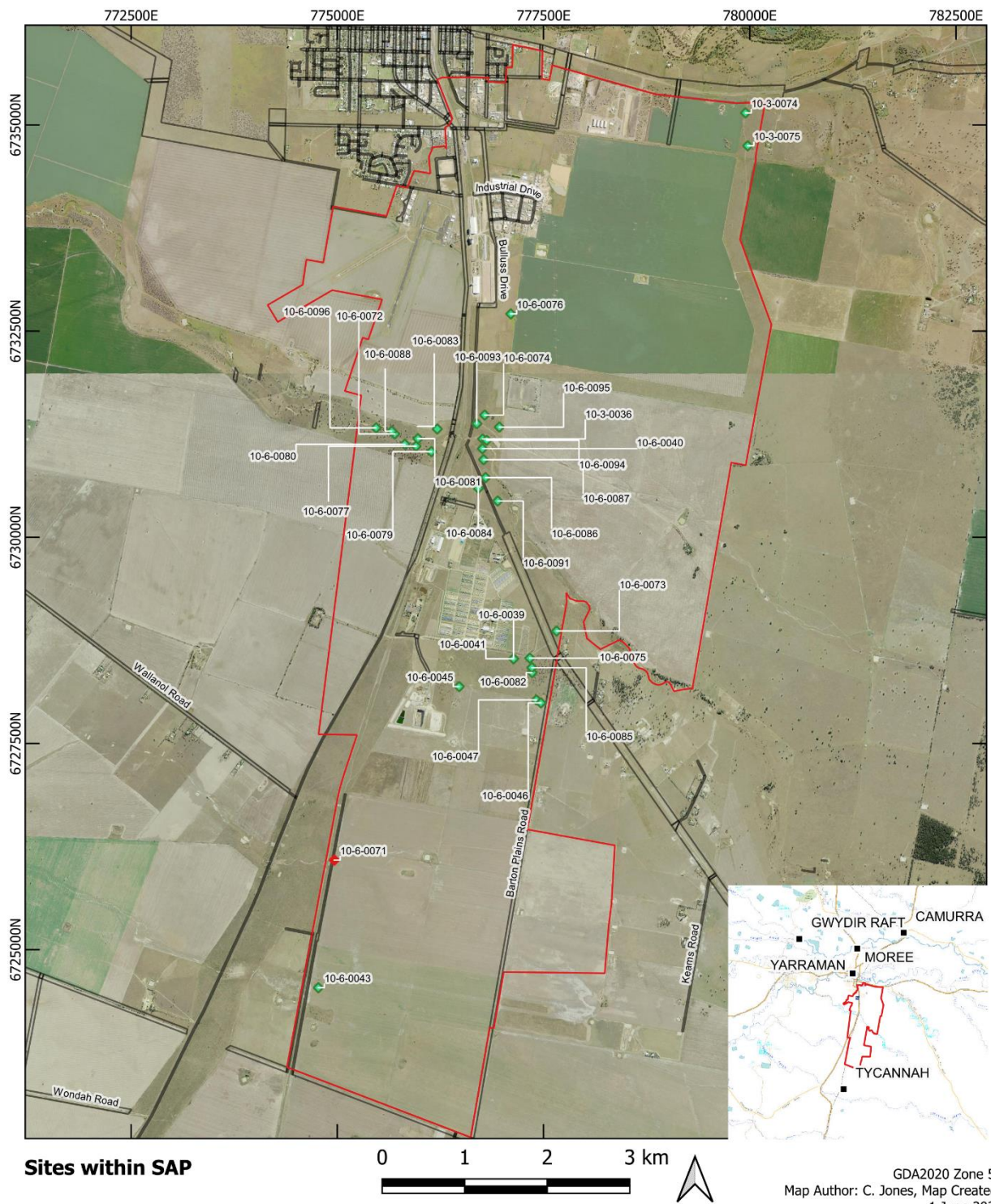
Table 4-1 are within the Environmentally Sensitive Areas mapping as defined by the Moree SAP Delivery Plan and will not be harmed (**Figure 4-2**). Any sites outside this zone will also be protected using other management protocols including fencing if they are under threat.

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Table 4-1: Aboriginal sites within the Moree SAP Precinct.

AHIMS ID	Site name	Site details	GPS coordinates site centroid (GDA2020 Zone 55)
10-3-0036	HC-IF-1	Valid: isolated find	776763 E / 6731192 N
10-3-0074	MSAP IF01	Valid: isolated find	779949 E / 6735145 N
10-3-0075	MSAP PST04	Valid: modified tree	779976 E / 6734746 N
10-6-0039	WMF-ST1	Valid: modified tree	777137 E / 6728526 N
10-6-0040	HC-OS1	Valid: stone quarry	776759 E / 6731074 N
10-6-0041	MR-ST1-A	Valid: modified tree	777137 E / 6728526 N
10-6-0043	BP Solar Scarred Tree 2	Valid: modified tree	774770 E / 6724537 N
10-6-0045	Moree Evergreen Precinct Scarred Tree 1	Valid: modified tree	776477 E / 6728188 N
10-6-0046	Moree Evergreen Precinct Scarred Tree 2	Valid: modified tree	777469 E / 6727991 N
10-6-0047	Moree Evergreen Precinct Scarred Tree 3	Valid: modified tree	777414 E / 6728026 N
10-6-0071	NNS AS8	Destroyed: artefact scatter	774964 E / 6726084 N
10-6-0072	MSAP PST02	Valid: modified tree	775696 E / 6731252 N
10-6-0073	MSAP LST01	Valid: modified tree	777659 E / 6728862 N
10-6-0074	MSAP IF05	Valid: isolated find	776787 E / 6731481 N
10-6-0075	MSAP IF03	Valid: isolated find	777335 E / 6728533 N
10-6-0076	MSAP IF02	Valid: isolated find	777104 E / 6732707 N
10-6-0077	MSAP PST08	Valid: modified tree	775955 E / 6731104 N
10-6-0079	MSAP PST06	Valid: modified tree	776140 E / 6731037 N
10-6-0080	MSAP PST05	Valid: modified tree	775819 E / 6731127 N
10-6-0081	MSAP PST03	Valid: modified tree	775978 E / 6731195 N
10-6-0082	MSAP LST02	Valid: modified tree	777362 E / 6728358 N
10-6-0083	MSAP IF09	Valid: isolated find -	776212 E / 6731312 N
10-6-0084	MSAP AS04	Valid: artefact scatter	776710 E / 6730593 N
10-6-0085	MSAP IF04	Valid: isolated find	777359 E / 6728418 N
10-6-0086	MSAP AS05	Valid: artefact scatter	776798 E / 6730723 N
10-6-0087	MSAP AS06	Valid: artefact scatter	776774 E / 6730940 N
10-6-0088	MSAP AS03	Valid: artefact scatter	775660 E / 6731286 N
10-6-0091	MSAP IF11	Valid: isolated find	776945 E / 6730439 N
10-6-0093	MSAP IF08	Valid: isolated find	776692 E / 6731376 N
10-6-0094	MSAP IF07	Valid: isolated find	776811 E / 6731175 N
10-6-0095	MSAP IF06	Valid: isolated find	776965 E / 6731335 N
10-6-0096	MSAP PST01	Valid: modified tree	775471 E / 6731326 N

Figure 4-1: Valid Aboriginal sites within the Moree SAP Precinct.



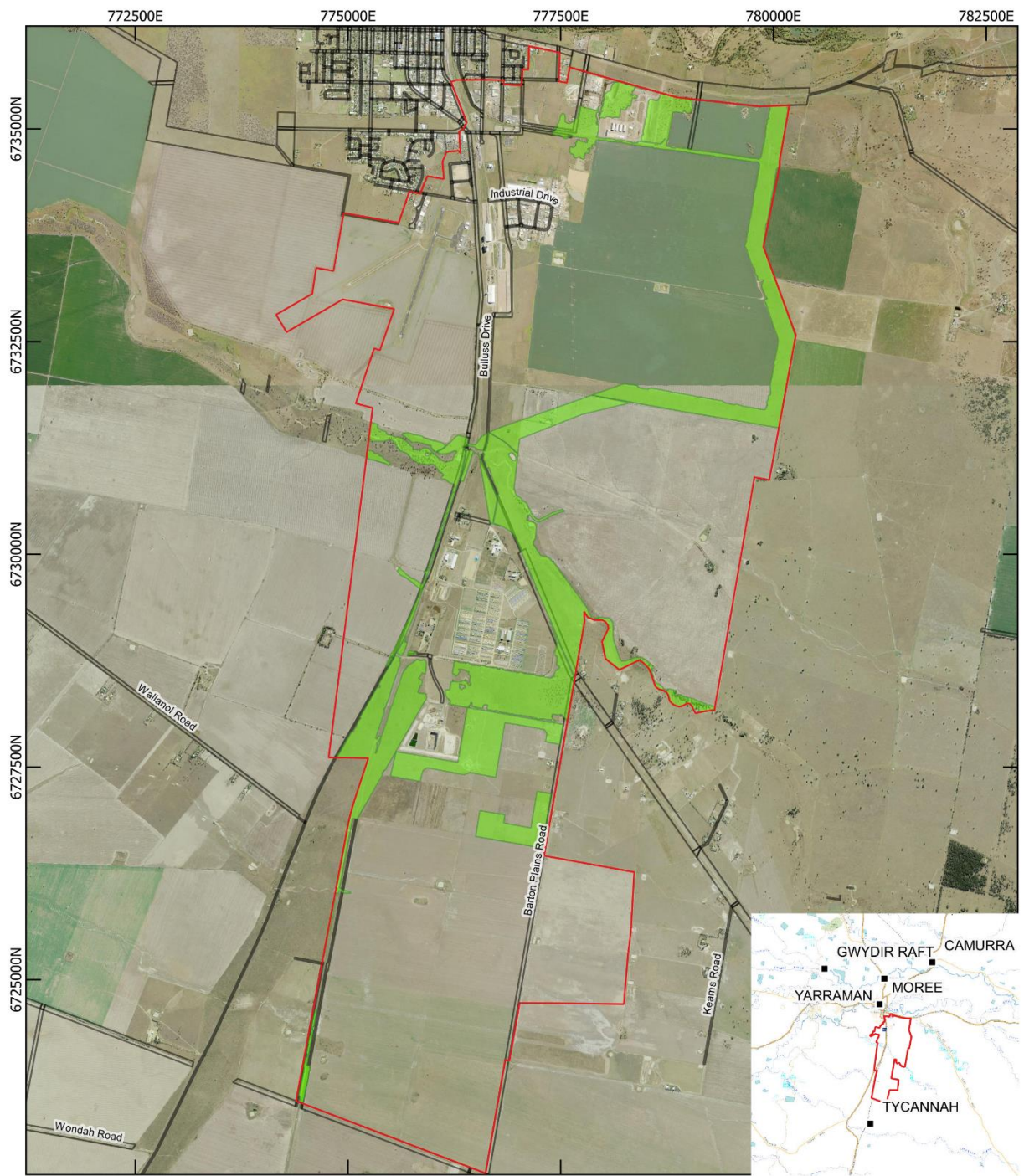
- SAP
- Previously Recorded Sites
 - ◆ Destroyed
 - ◆ Valid
 - Roads

GDA2020 Zone 55
 Map Author: C. Jones, Map Created:
 1 June 2022

Source:
 © NSW Imagery and DFSI 2022
 © Six Maps 2022
 © AHIMS 2022
 © RGDC 2022
 © OzArk 2022



Figure 4-2: Moree SAP Environmental Conservation Areas.



Environmental Conservation Areas Within SAP



GDA2020 Zone 55
 Map Author: C. Jones
 Map Created: 4 July 2022

- SAP
- Environmental Conservation Areas
- Roads

Source:
 © NSW Imagery and DFSI 2022
 © Six Maps 2022
 © RGDC 2022
 © OzArk 2022



4.3 HERITAGE MANAGEMENT ZONES WITHIN THE MOREE SAP PRECINCT

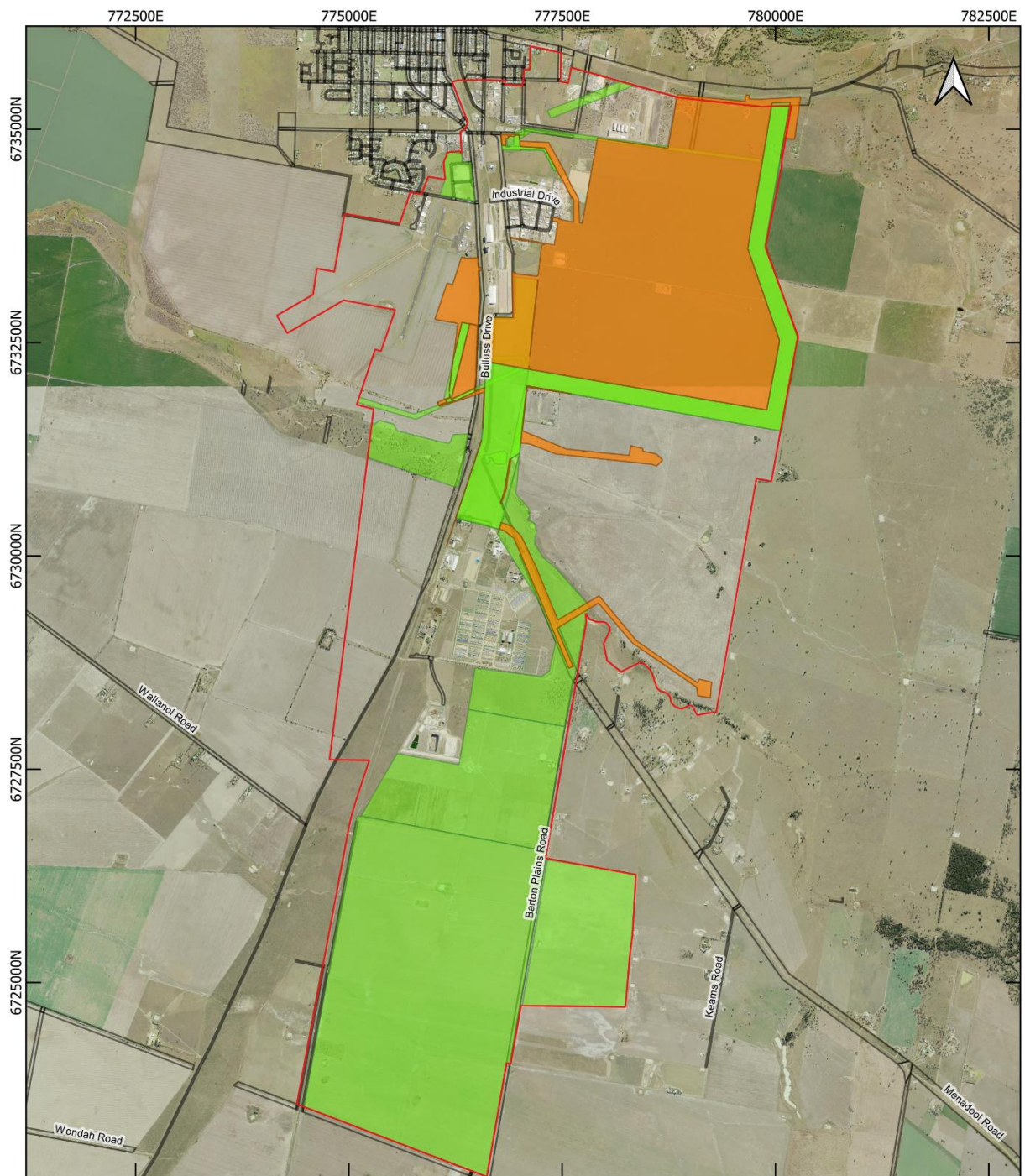
The Moree SAP Precinct is divided into two categories in terms of prior assessment:

- Surveyed areas: Land that has undergone formal heritage assessment either for the Moree SAP or for other projects that occupy land within the Moree SAP Precinct
- Unsurveyed areas: Areas that have not undergone prior heritage assessment.

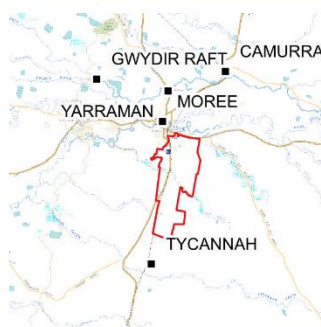
Full details of previous assessments are provided in Aurecon 2021. **Figure 4-3** shows the areas inside the Moree SAP Precinct which have been previously assessed.

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Figure 4-3: Previously surveyed areas of the Moree SAP Precinct.



- SAP
- OzArk Survey 2022
- Previously Surveyed Areas inside SAP
- Roads



GDA2020 Zone 55
 Map Author: C. Jones
 Map Created: 1 June 2022

Source:
 © NSW Imagery and DFSI 2022
 © Six Maps 2022
 © RGDC 2022
 © OzArk 2022

5 HERITAGE MANAGEMENT FRAMEWORK

In designing the layout of the Moree SAP infrastructure and lot designations, and where possible and suitable, Aboriginal objects will be incorporated into the design of the public domain where they will be publicly accessible and can be appreciated by all. The principles of development will retain and integrate scarred trees and other Aboriginal cultural places of importance within landscaped and public areas so that they are protected and accessible. It is of note here that the isolated finds recorded within the Moree SAP are not of sufficient significance to warrant public access, but they will be conserved in the landscape.

The heritage management framework outlined below, and the management measures detailed in **Section 6**, will ensure this can be achieved through applying the heritage management principles of further assessment and site protection measures.

5.1 HERITAGE MANAGEMENT ZONES

Figure 4-1 shows the registered Aboriginal sites inside the Moree SAP, and **Any sites** outside this zone will also be protected using other management protocols including fencing if they are under threat.

Table 4-1 provides details of these sites. **Figure 4-3** shows the previously assessed areas of the Moree SAP Precinct.

5.1.1 Zone 1 - Surveyed areas of the Moree SAP Precinct

Zone 1 includes previously surveyed land (**Figure 4-3**), as well as land contained within the Environmental Conservation Areas (**Figure 4-2**). Zone 1 contains all previously recorded Aboriginal objects within the Moree SAP Precinct.

The following Aboriginal heritage processes will be applied to all land within Zone 1: Registered Aboriginal objects will not be harmed by any Moree SAP impacts (see **Figure 4-1** and **Any sites** outside this zone will also be protected using other management protocols including fencing if they are under threat.

Table 4-1). These objects are all within the Environmental Conservation Areas (**Figure 4-2**) and are protected under the:

- Precincts Regional SEPP 2021
 - Section 1.6 of the Moree SAP Delivery Plan 2022
- NPW Act.
- If harm to an AHIMS site is necessary/unavoidable, then the procedures outlined in **Section 6.6** must be followed

- If during works within the Moree SAP Precinct, a suspected Aboriginal object is identified, then the procedures outlined in **Section 6.5.1** and **Section 7.2.1** must be followed
- If during works within the Moree SAP Precinct, human skeletal remains are identified, then the procedures outlined in **Section 6.5.1** must be followed.

5.1.2 Zone 2 - Unsurveyed areas of the Moree SAP Precinct

Areas of the Moree SAP Precinct which have not been previously assessed and that are not within an Environmental Conservation Area will be required to have further assessment undertaken prior to any ground-disturbing works. These areas are mapped on **Figure 5-1**. Further assessment must occur even if a proposed development is a complying development as per the Precincts Regional SEPP.

Initially, further investigation in Zone 2 will follow the *Due Diligence Code of Practice for the protection of Aboriginal objects* (DECCW 2010b). This code assists individuals or organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects over land that has not been approved for development based on any other instrument. The NPW Act provides that a person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution for the strict liability offence if they later unknowingly harm an object without an AHIP.

Three options for achieving this are as follows:

1. Due Diligence could be applied by RGDC to the entire unsurveyed portion of land such that complying development could once again be achieved if the Environmental Conservation Areas are respected in any proposal within the unsurveyed areas
2. Due Diligence could be applied by RGDC through a more piecemeal approach (stage by stage, sub-precinct by sub-precinct)
3. Responsibility to adhere to the requirement for Due Diligence could fall to the prospective developer on a land parcel by land parcel basis.

Application of the Due Diligence Code sets out the steps that need to be taken to:

1. Identify whether Aboriginal objects are, or are likely to be, present in an area
2. Determine whether their activities are likely to harm Aboriginal objects (if present)
3. Determine whether an AHIP application is required.

The due diligence process will apply to an activity that is either an exempt or complying development within the meaning of the EP&A Act, unless the exempt or complying development is a low impact activity as defined in Section 58 of the *National Parks and Wildlife Regulation 2019*. If it is a defined low impact activity, there is a defence under the NPW Act, and the

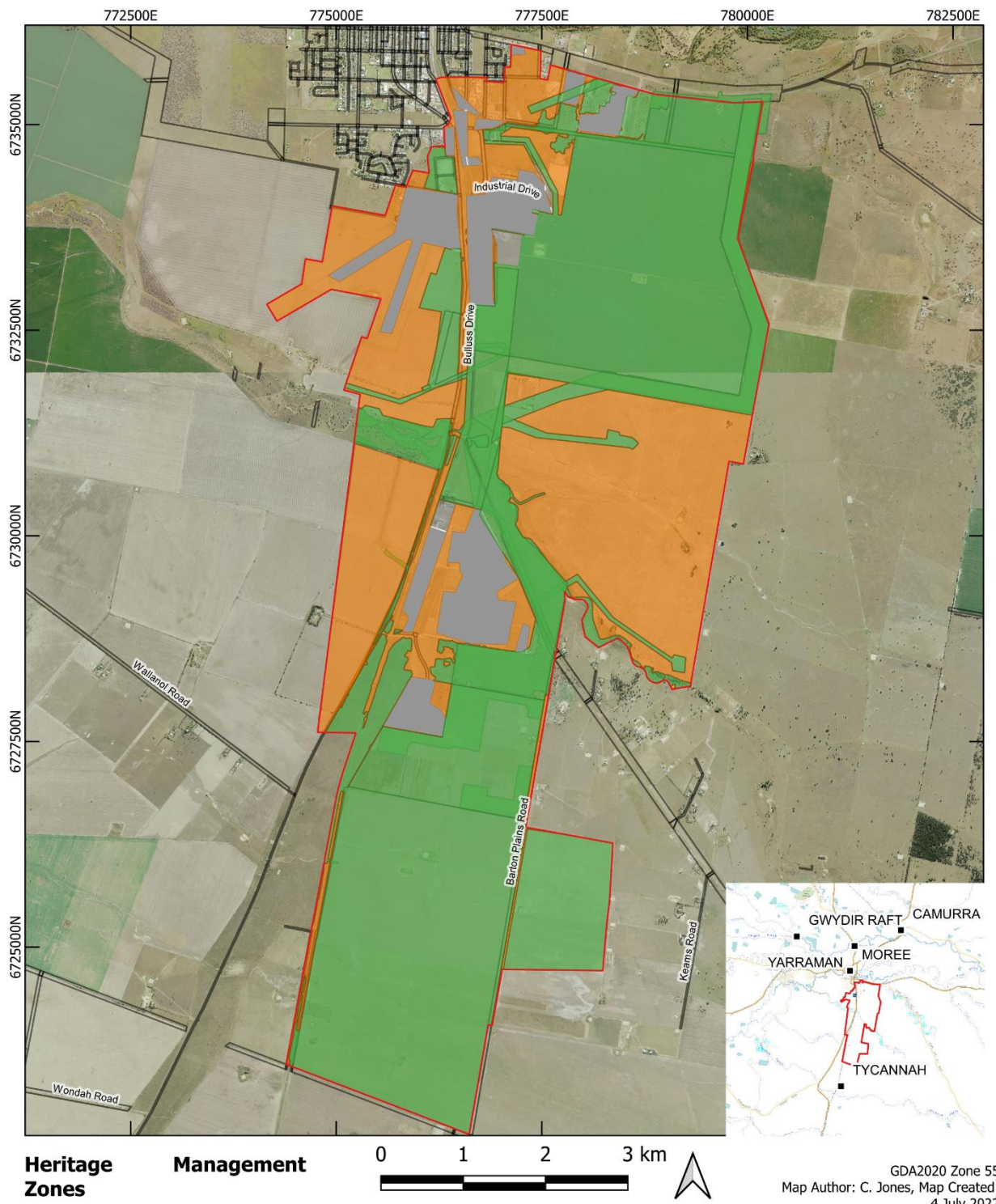
assessment need not follow the Due Diligence Code of Practice. It is considered unlikely that developments proposed in the Moree SAP Precinct would be low impact activities.

Should the due diligence process conclude that an Aboriginal object may be harmed and that an AHIP will be required, further assessment will be necessary. This will include undertaking the ACHCRs, potentially additional survey following the *Code of Practice for Archaeological Investigation of Aboriginal objects in NSW* (DECCW 2010c), and the development of an *Aboriginal Cultural Heritage Assessment Report* (ACHAR).

Although not a requirement of the due diligence process, ongoing consultation with the RAPs or the Gamilaroi Aboriginal Reference Group will be undertaken prior to all works within Zone 2 to ensure comprehensive characterisation and cultural knowledge for that area. At a minimum, this can be done through the provision of a copy of the due diligence report to RAPs or the Gamilaroi Aboriginal Reference Group for a 14 day review period.

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Figure 5-1: Heritage management zones at the Moree SAP Precinct.



6 HERITAGE MANAGEMENT MEASURES

6.1 OBLIGATION TO PROTECT ALL CULTURAL HERITAGE

6.1.1 Obligation to avoid harm

All employees, contractors, sub-contractors, and visitors to the Moree SAP have an obligation to avoid harming Aboriginal and historic heritage.

The definition of harm used in this Plan stems from the definition in Section 5 of NPW Act. The examples used below are for illustrative purposes and are not exhaustive.

Harm to an Aboriginal object or Aboriginal site includes:

- Moving or collecting stone artefacts (although picking up artefacts and inspecting them is acceptable if they are immediately returned to their original location)
- Disturbing the earth where stone artefacts are located, e.g., by earthworks for drains, roads, etc.
- Breaking stone artefacts, e.g., by running over them in a vehicle
- Cutting down, disturbing or otherwise marking scarred trees.

Trivial or negligible impacts on Aboriginal objects are not regarded as harm. However, 'trivial' is defined, for example, as breaking an artefact during gardening. Any harm or impact to Aboriginal objects that occurs as a by-product of development activities will unlikely be regarded as 'trivial'.

6.1.2 Obligation to protect

All personnel, contractors and subcontractors having responsibility for land management or construction inside the Moree SAP have an obligation to protect Aboriginal heritage within their area of work responsibility.

Protection means having accurate information on the location of known Aboriginal heritage objects on all applicable site plans and undertaking active measures to avoid harm to Aboriginal heritage. This may include fencing (**Section 6.2.2**), mitigation of erosion effects (**Section 6.2.4**), and/or modification of work plans to safeguard Aboriginal heritage such as changing design plans to avoid harm to known Aboriginal objects.

It should be noted information relating to location and extent of Aboriginal heritage items must reflect the actual recorded extent of the site shown in the AHIMS site card map for that site, the single centralised location of a site is not acceptable unless that site is an isolated find. Moreover, detailed design of infrastructure must also observe a 10 metre (m) buffer around all likely and possible scarred trees to protect root systems.

The location of Aboriginal objects must be made clear to any future users or owners of an area. Moreover, implementation of an *Unanticipated Find Procedure* should be in place for all development activities.

6.1.3 Heritage inductions

All staff and contractors will be provided with and must acknowledge the location of any heritage objects or places in proximity to their work areas. The staff and contractors involved in the proposed work will be made aware of the legislative protection requirements for all Aboriginal and historic places and objects, as well as relevant processes for unanticipated finds or skeletal remains.

6.1.4 Performance measures

RGDC will manage development-related risks to ensure that there are no exceedances of the criteria and/or performance measures as follow:

1. That this Plan is used and adhered to in relation to the protection and management of Aboriginal and historic cultural heritage
2. That all reasonable care is taken to ensure the conservation of all known Aboriginal and historic cultural heritage objects within the Moree SAP Precinct
3. That all new discoveries of Aboriginal and historic cultural heritage are appropriately managed
4. That all applicable Moree SAP plans show the location of known Aboriginal cultural heritage objects (and significant historic items if discovered) so that harm to the objects is prevented
5. That appropriate heritage assessment is undertaken in relation to the applicable heritage zones and consultation is continued with the Moree SAP RAPs or the Gamilaroi Aboriginal Reference Group throughout these assessments
6. That all workers and contractors engaged in works within the Moree SAP Precinct are aware of the legislative requirement to conserve known Aboriginal and historic cultural heritage objects
7. That RGDC undertake consultation with the RAPs or the Gamilaroi Aboriginal Reference Group for the Moree SAP both in terms of assessing the significance of any new discoveries of Aboriginal objects and concerning any incident or update to this Plan.

Should any of these performance measures fail, RGDC will, at the earliest opportunity:

1. Take all reasonable and feasible measures to ensure that the exceedance ceases and does not recur

2. Consider all reasonable and feasible options for remediation (where relevant) and submit a report to DPE describing those options and any preferred remediation measures or another course of action
3. Implement remediation measures as directed by the Planning Secretary, to the satisfaction of the Planning Secretary.

6.2 MEASURES TO PROTECT KNOWN ABORIGINAL OBJECTS

Potential measures to protect and manage Aboriginal objects within the Moree SAP Precinct are described below. It is noted that historic heritage is not referenced as there are no known significant historic items or places within the Moree SAP Precinct.

6.2.1 Halls Creek riparian corridor

There is a number of Aboriginal heritage sites clustered within and adjacent to the Halls Creek Riparian corridor within the Moree SAP Precinct.

While the riparian corridor, and the heritage sites within it, are of cultural significance, previous consultation has identified that Crawbob Creek, in particular, located to the west of Newell Highway (within Lot 1 DP607371), holds contemporary and historical heritage connection for the local Aboriginal people who use the area as a local fishing hole.

Although the broader riparian corridor is protected as per its inclusion as part of the Environmental Conservation Area, Crawbob Creek is not within this boundary. Therefore, applicable protections should apply and continued access to this traditional resource area for cultural purposes will be permitted.

In addition, the Halls Creek riparian corridor retains some clusters of remnant mature vegetation, and in some instances, culturally modified remnant mature vegetation. Many of the modified trees recorded within the western extent of Halls Creek riparian corridor exhibited signs of likely recent poaching activities. Signage to advise restricted access will be implemented and annual monitoring of these trees will be undertaken by one representative of the Gamilaroi Aboriginal Reference Group until such time as it is determined that harm to these sites is not ongoing.

6.2.2 Establishment of Aboriginal Reference Group

As per the recommendation within the Master Plan, a Gamilaroi Aboriginal Reference Group should be established as the primary group for consultation for the ongoing management of this Plan. This group will consist of one representative from DPE, the Moree LALC, Local Land Services, and Moree Plains Shire Council, as well as two female elders/representatives of the Gamilaroi group and two male elders/representatives of the Gamilaroi group.

The terms of reference for this group will be development in consultation with the Gamilaroi Aboriginal community as part of the development of this Plan and the composition and governance of this group will be included in this Plan following consultation with the RAPs.

While the RAPs referred to in **Section 3.2** may be part of the Gamilaroi Aboriginal Reference Group, for heritage assessments and archaeological finds within the Moree SAP Precinct, the Gamilaroi Aboriginal Reference Group should be the primary point of contact.

The Gamilaroi Aboriginal Reference Group will also be part of the ongoing dialogue regarding Designing with Country, that includes “letting Country speak for herself”, considering place, history and spirit, hills, plains, waterways and other cultural incorporations of development and enhancement and regeneration works. The focus of the Gamilaroi Aboriginal Reference Group will be to provide a point of contact and advice related to design and layout to protect and maintain known heritage of the Moree SAP Precinct and ensure that development promotes the history and cultural landscape of the Precinct.

6.2.2.1 *Aboriginal Reference Group terms of reference*

The terms of reference for this group will be development in consultation with the Gamilaroi Aboriginal community as part of the development of this Plan and the composition and governance of this group will be included in this Plan following consultation with the RAPs.

At this stage it is envisioned that the Gamilaroi Aboriginal Reference Group oversees the implementation of this Plan and actively contributes to the development of cultural heritage management options and recommendations for Aboriginal objects or places associated with the Moree SAP Precinct. This is achieved by:

- a) Providing relevant information about the cultural significance and values of the Aboriginal object(s) and/or place(s)
- b) Providing for ongoing communication of information on developments within the Moree SAP Precinct and cultural heritage management with the broader Aboriginal community
- c) Providing advice on how to address community relationships
- d) Commenting on draft assessment reports and management plans before they are submitted to regulatory authorities
- e) Providing advice on other aspects outlined in the Moree SAP Master Plan such as the Designing with Country principles.

Members are appointed for a period of three years and may be re-appointed for subsequent terms at the discretion of DPE.

6.2.3 Fencing

Where appropriate, fencing will be implemented as a measure to protect and manage Aboriginal cultural sites, and if discovered, historic heritage items and places.

Individual site fencing will be considered on a case-by-case basis with the desired outcome being the long-term preservation of the site. For example, a site within a large Environmental Conservation Area may not require fencing if it is considered that the Environmental Conservation Area provides a suitable buffer around the site. Conversely, an isolated site, or a site near an established access road, will require fencing to identify its location and to protect it from inadvertent harm.

Fencing at sites, if required, will consist of sturdy, stock-proof, permanent fencing. Where there is doubt over the extent of surface artefacts a competent person will be involved in an inspection to identify the extent of visible Aboriginal objects (usually stone artefacts) on the surface.

The alignment of the fencing at any individual fenced site will be recorded and records stored in association with this Plan.

Fencing at any individually fenced sites shall be maintained for both site presentation as well as being a visible impact deterrent. Appropriate warning signage will be installed to further minimise the potential for unintended disturbance.

Fencing may be omitted or removed if it brings undesired attention to the site from vandals or otherwise increases the risk of damage to the site. If fencing is omitted or removed, other management options to protect the site will be considered on a case-by-case basis in consultation with the Gamilaroi Aboriginal Reference Group. Other management options may include reburial or relocation of artefacts (under appropriate permits), salvage and storage of artefacts in accordance with this Plan, or strategic revegetation to protect an exposed site.

6.2.4 Erosion control

Erosion and sediment control will be undertaken in a manner that avoids disturbance to known Aboriginal objects unless an AHIP is first obtained.

If works are required within or near a known Aboriginal cultural heritage site, a suitably qualified archaeologist should inspect the site to advise on whether the proposed works are likely to harm Aboriginal objects. If harm is possible, an AHIP will be required to complete the works.

Should erosion control take place near a known Aboriginal site outside of the approved disturbance area, the following principles will be followed:

- Potential interactions between the remediation works and the cultural heritage sites will be managed. The potential for harm to Aboriginal cultural heritage objects should be assessed by a suitably qualified archaeologist

- Natural regeneration of vegetation in an area will be encouraged to return it to as near as possible its original form
- Soft engineering solutions such as the placing of hay bales or coir logs on the surface will be preferably implemented to minimise disturbance to the site.

6.2.5 Bushfire hazard reduction

If clearing of excess fuel load is required near known sites, it will be undertaken in a manner that minimises ground disturbance. Preferred methods of hazard reduction include manual brush cutting and grass slashing with the slasher set at a minimum of 150 mm to avoid impacting surface Aboriginal stone artefacts.

Maps showing all known Aboriginal objects should be made available to the Rural Fire Service so that objects, particularly scarred trees, can be avoided as much as is reasonable if it is necessary to create fire breaks.

6.2.6 Weed and feral animal control

Noxious weed control may occur in accordance with statutory requirements. Within sites, weeds will be cut above ground level and not ripped from the ground to avoid ground disturbance. Where root balls have been inadvertently pulled from the surface, the soil shall be promptly returned to its original location and methods amended to avoid reoccurrence.

Feral animals, especially those that impact the ground surface such as pigs and rabbits, will be controlled within known Aboriginal sites. Specialist advice will be sought to ensure that any feral animal control does not result in ground disturbance within sites.

6.3 MEASURES TO PROTECT KNOWN SIGNIFICANT HISTORIC HERITAGE ITEMS

Currently, there are no known significant historic items or places that require protection within the Moree SAP Precinct.

However, should a significant historic item or place be discovered, management measures for fencing (**Section 6.2.2**) and other environmental management (**Sections 6.2.4 to 6.2.6**) will be considered.

6.4 MEASURES TO MAKE ABORIGINAL HERITAGE ACCESSIBLE

The Moree SAP Master Plan notes that a central aim is, where possible and suitable, for Aboriginal sites to be incorporated into the design of the public domain where they are publicly accessible and can be appreciated by all. As the design phases of the Moree SAP progress, RGDC will ensure that this aim is met.

The Moree SAP Delivery Plan notes that subdivision layouts provide for Aboriginal places and artefacts of importance to be maintained in place within public open spaces or road reserves so

they can be interpreted. This is captured in Performance Criteria 49, specifically A49.4. As the design phases of the Moree SAP progress, RGDC will ensure that this aim is met.

6.4.1 Interpretation initiatives

To assist with the public access and understanding of the long Aboriginal association with the Moree SAP area, RGDC will consider incorporating Aboriginal cultural items such as artistic design or names into wayfinding signage and/or interpretive panels. Interpretation initiatives will include consultation with the Gamilaroi Aboriginal Reference Group, and if reasonably available, employ Aboriginal community members to design signage motifs and other elements for use around the Moree SAP Precinct.

6.5 UNANTICIPATED HERITAGE FINDS PROCEDURES

The following measures are relevant to all development within the Moree SAP Precinct, whether in Zone 1 (previously surveyed areas) or Zone 2 (previously unsurveyed areas).

6.5.1 Potential skeletal remains

If human/possible human skeletal material is exposed within the Moree SAP Precinct, it will be managed in accordance with legal requirements, and if it is Aboriginal ancestral remains, the wishes of the RAPs and/or the Gamilaroi Aboriginal Reference Group, as well as any direction from Heritage NSW. Should human/possible human skeletal material (single bones or an intact burial) be located within any area, it will be managed in accordance with the following procedures:

1. Work in the immediate vicinity of the skeletal material will cease to ensure no further impact occurs
2. If there is substantial doubt as to human origin, the skeletal material will be inspected to determine if it is human or animal. If necessary, advice will be sought from a suitably qualified specialist
3. If the skeletal material is human or is thought to be human, NSW Police and Heritage NSW must be notified immediately to enable definitive identification
4. If the remains are part of a potential crime or misadventure scene, then the NSW Police and NSW Coroner will take responsibility for the subsequent process
5. If the remains are those of a traditional Aboriginal ancestor, then RAPs/Gamilaroi Aboriginal Reference Group and Heritage NSW will dictate the appropriate course of action.

6.5.2 Newly identified heritage items

Further Aboriginal objects or historic heritage items may be recorded within the Moree SAP Precinct once development commences. Environmental factors, such as changes in ground

surface visibility, may mean that heritage items have been revealed since previous heritage surveys.

In the event of the discovery of what is believed to be an Aboriginal or historic site/object, the following steps will be adhered to:

1. All work close to the discovery will cease and an area of 5 m around the location will be fenced with temporary high-visibility construction fencing
2. Advice will first be sought from a qualified archaeologist to determine whether the find constitutes an Aboriginal object, or a historic item of heritage significance
3. If the object is confirmed as Aboriginal or likely to possess historic heritage significance, then the archaeologist, (in consultation with RAPs/Gamilaroi Aboriginal Reference Group if the find is an Aboriginal object), will determine the significance and best management of the find
4. No works will re-commence within the stop work zone until the find has been appropriately assessed
5. If the find is determined to be an Aboriginal object, then every consideration must be made to conserve the object in the landscape including the amendment of design plans
6. If harm to an Aboriginal object is unavoidable then further investigation, including undertaking the ACHCRs, developing an ACHAR and applying for an AHIP will be required (see **Section 6.6**)
7. If harm to a significant historic item is unavoidable then further investigation, including the preparation of a statement of heritage impact will be required (see **Section 6.7**)
8. Newly discovered Aboriginal objects will be registered on the AHIMS database as required under the NPW Act.

6.6 MANAGING HARM TO KNOWN ABORIGINAL OBJECTS

If measures contained within this Plan are implemented, then no previously recorded Aboriginal objects (i.e., those currently registered on AHIMS) will be harmed.

If harm to an Aboriginal object is unavoidable, then an AHIP application must be made to Heritage NSW. Integral to an AHIP application is the preparation of an ACHAR and the requirement to follow the ACHCRs. The NPW Act is complemented by the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010c) that sets out the requirements for archaeological investigation in NSW where an application for an AHIP is likely to be made.

6.6.1 Salvage

No Aboriginal object will be salvaged unless an AHIP has been obtained. The ACHAR and AHIP for any Aboriginal objects under threat of harm will detail any management measures specific to the potential salvage of those objects with reference to the likely impacts. Salvage may include the collection of surface artefacts to remove them from harm, or the subsurface excavation of archaeological deposits.

Salvage collection or testing would be undertaken in accordance with a prescribed salvage methodology implemented by a qualified archaeological alongside representatives from the local Aboriginal community. Testing would be undertaken in accordance with *Code of Practice for the Archaeological Investigation of Aboriginal Objects in NSW* (DECCW 2010c). For any sites impacted and/or salvaged, an *Aboriginal Site Impact Recording Form* (ASIRF) for each site is required.

6.7 MANAGING HARM TO SIGNIFICANT HISTORIC HERITAGE ITEMS

If harm to significant historic item or place is unavoidable, then a statement of heritage impact (SOHI) will be prepared. The SOHI may include an archaeological assessment if it is considered that significant archaeological deposits may be harmed. If the SOHI or archaeological assessment determines that harm to significant heritage values may occur, then written approval from the Moree Plains Shire Council may be required (if the item or place is assessed as having local heritage values) under Section 5.10 of the Moree Local Environmental Plan 2011.

If there is reasonable cause to suspect that the disturbance or excavation will or is likely to result in an item of local or state heritage significance being discovered, exposed, moved, damaged, or destroyed, then an excavation permit from Heritage NSW may be required under section 139 of the Heritage Act.

6.8 ABORIGINAL SITE MONITORING

The aim of a monitoring program is to oversee care and maintenance of Aboriginal cultural heritage across the Moree SAP Precinct, or of significant historic heritage items should they be discovered. This includes upgrades to signage and issues regarding site maintenance (erosion/weed/sediment control) and/or security (site fencing).

Of the Aboriginal objects within the Moree SAP Precinct, 16 are artefact sites one of which one has been previously destroyed, 15 are modified trees, and one is an Aboriginal stone quarry.

Of these, the only sites for which condition monitoring is considered appropriate are the Aboriginal modified trees along the western extent of the Halls Creek corridor where poaching activity (in the form of metal axe disturbances to the cultural scar to access flora and faunal resources) is considered to have occurred. Most of these sites are encompassed within the Environmentally

Sensitive Area mapping, however, restrictions of access applicable to these areas have not yet been established. Further consultation will occur regarding this issue. In addition, this land is encompassed within the existing Travelling Stock Reserve (TSR) boundary and therefore accessibility is unrestricted.

As such, existing management protocols for these sites do not yet exist. It is recommended that signage to reflect restricted access to the area is installed and annual monitoring of this area is undertaken by a representative from the Gamilaroi Aboriginal Reference Group until such time as the Gamilaroi Aboriginal Reference Group are satisfied that damage is not ongoing.

Monitoring would involve photos from at least four permanent locations so that changes over time can be ascertained. The annual photographic record and a brief report on the findings, including any maintenance recommendations, would be made following the annual visit. This report would be sent to all RAPs/Gamilaroi Aboriginal Reference Group and made publicly available by RGDC.

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7 RECORD KEEPING AND REPORTING REQUIREMENTS

7.1 MOREE SAP HERITAGE RECORDS

Copies of all Moree SAP heritage records will be kept by RGDC. Moree SAP heritage records include:

- This Plan
- Maps showing heritage site locations
- Archaeological reports that have been produced for the Moree SAP and developments within the Precinct
- All applicable Aboriginal site AHIMS and Aboriginal Site Impact Recording Form (ASIRF) cards
- Any AHIPs applicable to the Moree SAP Precinct.

7.2 STATUTORY REPORTING REQUIREMENTS

There are several statutory reporting requirements associated with Aboriginal objects as detailed below.

7.2.1 Discovery of Aboriginal objects

Under Section 89A of the NPW Act, it is a requirement that the AHIMS Registrar is notified of the existence of Aboriginal objects as soon as practicable after they are first identified. This is done through the completion of an Aboriginal site card which is submitted to AHIMS for inclusion on the Aboriginal objects database. See **Section 6.5.2** for the procedures related to newly discovered heritage objects.

7.2.2 Reporting impact to Aboriginal objects

No Aboriginal objects are currently authorised for harm under this Plan. If any AHIPs are obtained for Aboriginal objects within the Moree SAP Precinct, then Heritage NSW expects that information on authorised harm to Aboriginal objects be reported to them using an ASIRF.

7.2.3 Reporting of non-compliance with this Plan

Should any Aboriginal cultural heritage site or area be inadvertently harmed by works, the perpetrator or RGDC will report the non-compliance or potential non-compliance to Heritage NSW as soon as practicable after identifying the incident. Note also the procedures for new discoveries outlined **Section 6.5** of this Plan.

A report will be submitted Heritage NSW which includes:

- A description of the incident

- Its circumstances
- The correction measures undertaken
- Any measures which will prevent similar incidents from occurring in the future.

7.3 SALVAGE RECORDS

In event that a site is impacted (following approval of an AHIP) then a record of the salvage process must be made. This will include a salvage report and updating the AHIMS site card using an ASIRF. Details of the temporary or permanent keeping place for those materials salvaged must be included in the salvage report and AHIMS site card update. Further conditions relating to the salvage of a site may be part of the AHIP and will be followed accordingly.

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8 REVIEW

8.1 IMPROVEMENT OF PERFORMANCE

The conservation of known Aboriginal and historic cultural heritage sites and following the correct procedure for new discoveries is at the core of this Plan. In **Section 6.1.4** several performance measures are outlined to measure how this Plan is implemented. The performance measures should be reviewed at least on an annual basis to ensure that the Plan remains 'fit for purpose'.

Should any of these performance measures fail, RGDC will, at the earliest opportunity:

1. Take all reasonable and feasible measures to ensure that the exceedance ceases and does not recur
2. Consider all reasonable and feasible options for remediation (where relevant) and submit a report to DPE describing those options and any preferred remediation measures or other course of action
3. Implement remediation measures as directed by the Planning Secretary, to the satisfaction of the Planning Secretary.

RGDC will quickly respond to any audit process, community complaints, and stakeholder (internal and external) suggestions. Depending on the nature of the suggestions, this Plan may require revision, and if concerning Aboriginal cultural heritage, will be undertaken in consultation with the Aboriginal community and be to the satisfaction of the Planning Secretary.

At all times RGDC will seek to improve the performance of this Plan to ensure that Aboriginal and historic cultural heritage is conserved and appropriately managed. The adaptive management procedure is outlined in **Table 8-1**.

Table 8-1: Adaptive management table.

Element	Description	Action
1	Objectives	See performance measures Section 6.1.4
2	Process model	The major threat to non-compliance with the Plan is causing harm to a known Aboriginal and historic cultural heritage site or the incorrect management of new discoveries.
3	Plan	All workers at the Moree SAP Precinct will be aware of the legislative requirements to protect Aboriginal and historic cultural heritage sites and to be aware of the correct procedure for the discovery of new heritage objects or places. All known Aboriginal cultural heritage sites, and historic sites if they are discovered, will be marked on all appropriate plans to ensure that their location is known and that there will be no inadvertent harm to the sites. Should any of the performance measures fail, it may be necessary to revise this Plan in consultation with the Aboriginal community and to the satisfaction of the Planning Secretary.
4	Implementation feedback	This Plan will be reviewed at least annually to ensure that it remains 'fit for purpose'. This review will monitor the management effectiveness of the Plan. The Plan may also require review and possible revision following community complaints, community suggestions, or from internal or external audits.

8.2 PLAN REVIEW

This Plan will be reviewed every three years by RGDC.

Additionally, this Plan will be reviewed, and if necessary revised, within three months of:

- The discovery of a new Aboriginal site which requires specific management approaches proportionate to its cultural significance and which is not otherwise covered in this Plan
- The submission of an incident report related to cultural heritage management
- On submission of the audit report (see **Section 8.3**)
- Any modification to the uses or boundaries of sub-precincts as outlined in **Section 0**
- At any time, the legislation governing cultural heritage or the Precincts Regional SEPP is changed/amended
- At any time should it be required by either RGDC or the RAPs/Gamilaroi Aboriginal Reference Group.

Where changes are made to the Plan, a draft of the modified plan will be subject to Aboriginal consultation in accordance with **Section 3.2.3** of this Plan.

Review and revision of plans will be to the satisfaction of the Planning Secretary of DPE.

8.3 AUDIT

Every three years a suitably qualified archaeologist, in consultation with the RAPs for the Moree SAP until the Gamilaroi Aboriginal Reference Group is established, will conduct an audit of the Plan to determine if it remains fit for purpose and that cultural heritage is being appropriately managed.

The findings of this audit will be set out in a report that will be made publicly available by RGDC.

9 ACCOUNTABILITIES

Table 9-1 outlines the accountabilities associated with this Plan.

Table 9-1: Accountabilities.

Role	Accountabilities for this document
Director, Planning Services	Approve this Plan Provide adequate resources for the implementation of this Plan
Manager of Statutory Planning	Implement the Cultural Heritage Management Plan Include any actions undertaken in the Annual Review report Ensure inclusion of Aboriginal heritage in worker inductions through delivery or input to induction documentations Distribute copies of this Plan as required Maintain records of Aboriginal consultation and Plan revisions Arrange for review of the Plan as set out in Section 8.1
All	Report all incidents

10 DOCUMENT INFORMATION

10.1 RELEVANT LEGISLATION

The following legislation is relevant to this Plan:

- *Environmental Planning and Assessment Act 1979*
- *National Parks and Wildlife Act 1974*
- Precincts – Regional SEPP 2021 which as replaced the Activation Precinct SEPP 2020
- *Heritage Act 1977.*

10.2 REFERENCE INFORMATION

Reference information, listed in below, is information that is directly related to the development of this document or referenced from within this document.

Aurecon 2021	Aurecon Australian Pty Ltd 2021, <i>Moree Special Activation Precinct Environmental Package Heritage Report</i> , Report to Department of Planning, Industry and Environment.
DECCW 2010 a	DECCW 2010, <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> , Department of Environment, Climate Change and Water, Sydney.
DECCW 2010b	DECCW 2010, <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i> , Department of Environment, Climate Change and Water, Sydney.
DECCW 2010c	DECCW 2010, <i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i> , Department of Environment, Climate Change and Water, Sydney.
DPIE 2021	Department of Planning, Industry and Environment 2021, <i>Special Activation Precinct Moree Draft Master Plan</i> , State of New South Wales.
ICOMOS 2013	Australian ICOMOS 2013, <i>The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013</i> , Australia ICOMOS Incorporated.
OzArk 2022 (forthcoming)	OzArk Environment & Heritage 2022 <i>Moree SAP: Additional fieldwork for Zone 1</i> . Report to RGDC (forthcoming)
WSP 2021	WSP 2021, <i>Moree Special Activation Precinct Package A - Structure Plan</i> , Department of Planning, Industry and Environment.

APPENDIX 1: CONSULTATION RECORDS

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APPENDIX 2: CULTURAL HERITAGE MANAGEMENT PLAN APPROVAL

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