



Michael Young
Principal Planning Officer
Department of Planning & Environment
Email: Michael.Young@planning.nsw.gov.au

Your reference: SSD-9487
Our reference: DOC22/754431

Dear Michael,

**Advice on Preferred Infrastructure and Amendment Report – State Significant Infrastructure
– Inland Rail Narromine to Narrabri – SSI-9487**

Thank you for your referral uploaded to the Major Projects Portal on 31 August 2022 seeking advice on the proposal and for the above Amendment to State Significance Infrastructure (SSI) proposal. Heritage NSW has previously provided advice at the EIS and Response to Submission stages of the project. Thank you are the continued opportunity to comment on the project.

Heritage NSW wishes to reiterate its previous those recommendations and comments as well as provide additional comments on the Amendment below. Based on the current state of the archaeological investigation, Heritage NSW largely agrees with the management recommendations outlined in the ACHAR (Jacobs 2020) and Addendum ACHAR (Jacobs 2022). Heritage NSW recommends the following additions to the management and mitigation measures and updates required to the ACHAR and EIS:

- Please provide evidence that consultation was kept continuous between the 2020 ACHAR and the 2022 Addendum ACHAR. Heritage NSW requires that consultation with Registered Aboriginal Parties (RAPs) be continuous, with an unexplained break of more than six months not permitted.
- Please clarify the number of scarred trees that will be impacted, as the Addendum ACHAR notes that 29 scarred trees are either likely or potentially impacted through the project. This is a large number of high significance ACH items that have the potential to be lost through the project. The project should ensure that avoidance and protection are explored in the first instance at all localities. Where this is not possible, further consultation with the RAPs should be undertaken, detailed recording (including 3D modelling) of the trees, and long-term preservation measures detailed.
- We understand that additional investigations are required in at least ten areas high to moderate ACH significance and are proposed prior to construction. Heritage NSW generally recommends that all survey and test excavation be completed prior to any approvals so that the project and the Department are fully informed of all ACH values located within and in the vicinity of the impact areas. We have previously stated that, in this instance, the completion of additional surveys and excavations can occur post-approval following an Aboriginal Cultural Heritage Management Plan (ACHMP). The ACHMP must detail all conservation measures explored and implemented, and mitigation where conservation is not possible. Recommended draft conditions for the ACHMP are included in **Attachment A** and we recommend that Heritage NSW be able to provide advice on the draft ACHMP prior to approval by the Department.
- As per our previous recommendations, consideration for the potential for burials in alluvium landforms needs to be considered and mapped in the ACHMP.

Heritage NSW requests that they be consulted following the completion of additional surveys and test excavations to ensure adequate mitigation and conservation measures are employed. Notwithstanding our overall acceptance of the current assessment findings, Heritage NSW



reserve judgement on any new information that shows a significant increase of harm to ACH whether cumulative or, directly.

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

Manager Assessments

Heritage NSW

Department of Planning and Environment

(As Delegate under National Parks and Wildlife Act 1974)

Date: 14 September 2022



ATTACHMENT A: RECOMMENDED DRAFT CONDITIONS FOR ABORIGINAL CULTURAL HERITAGE

Below are our recommended draft conditions for the protection of Aboriginal Heritage and the implementation of an Aboriginal Cultural Heritage Management Plan.

Aboriginal Heritage

- 1) All reasonable steps must be taken so as not to harm, modify or otherwise impact Aboriginal objects except as authorised by this approval.
- 2) The Registered Aboriginal Parties (RAPs) must be kept informed about the SSI. The RAPs must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the SSI.

Aboriginal Cultural Heritage Management Plan

- 3) Prior to carrying out any development, the Applicant must prepare an Aboriginal Cultural Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:
 - a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
 - b) be prepared in consultation with Heritage NSW and Aboriginal Stakeholders;
 - c) include mapping of alluvium landforms and implementation of appropriate avoidance and mitigations measures in areas of higher potential to contain burials in these landforms;
 - d) include a methodology for complete and thorough survey of all areas within the project footprint with Aboriginal Stakeholder participation as per the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (2010);
 - e) include a methodology and mapping for a test excavation and salvage excavation program with Aboriginal Stakeholder participation of sites to be impacted with consideration to understanding site characteristics, and local and regional archaeological context;
 - f) include a description of the measures that would be implemented for:
 - i) protecting the Aboriginal heritage items identified within the project footprint or items located outside the approved development footprint, including fencing off the Aboriginal heritage items prior to commencing construction;
 - ii) salvaging and relocating the Aboriginal heritage items located within the approved development footprint;
 - iii) salvaging, relocating or avoiding any Aboriginal heritage items located within the approved development footprint identified during test excavations of the site;
 - iv) include updated baseline mapping of the heritage items within and adjoining to the development disturbance area;
 - v) include updated mapping of all areas that have been and will be subject to monitoring, test excavations, and salvage excavations;
 - vi) include conservation options for the mitigation and avoidance to impacts AHIMS registered sites situated within and outside the project footprint;
 - vii) prepare a methodology outlining when Registered Aboriginal Parties must be notified of changes to the Heritage Management Plan;
 - viii) include a procedure for assessing significance of Aboriginal Objects identified during the monitoring, test excavations, and salvage excavation and ensure that

- the management and mitigation measures are considered for all sites, and with special consideration for those of high significance;
- ix) a strategy for the long-term management of any Aboriginal heritage items or material collected during the test excavation or salvage works;
 - x) a contingency plan and reporting procedure if:
 - (1) an Unexpected Heritage Finds and Human Remains Procedure must be prepared to manage unexpected heritage finds (heritage items and values) in accordance with any guidelines and standards prepared by Heritage NSW.
 - (2) the Unexpected Heritage Finds and Human Remains Procedure must be prepared by a suitably qualified and experienced heritage specialist in relation to Aboriginal cultural heritage, in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (2010) and submitted to the Planning Secretary for information no later than one (1) month before the commencement of construction.
 - (3) the Unexpected Heritage Finds and Human Remains Procedure, as submitted to the Planning Secretary, must be implemented for the duration of construction.
 - xi) ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions; and
 - xii) ongoing consultation with Aboriginal stakeholders during the implementation of the plan; and
- g) include the completion of Aboriginal cultural heritage test and salvage excavations, an Aboriginal Cultural Heritage Excavation Report(s), prepared by a suitable qualified expert. The Aboriginal Cultural Heritage Excavation Report(s), must:
- i) be prepared in accordance with the *Guide to Investigation, assessing and reporting on Aboriginal cultural heritage in NSW*, 2011 and the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, 2010; and
 - ii) document the results of the archaeological test excavations and any subsequent salvage excavations (with artefact analysis and identification of a final repository for finds).
 - iii) The RAPs must be given a minimum of 28 days to consider the report and provide comments before the report is finalised. The final report must be provided to the Planning Secretary, Heritage NSW, the relevant Councils, and the relevant Local Aboriginal Land Council, and the RAPs within 24 months of the completion of the Aboriginal archaeological collections and excavations (both test and salvage).
- h) where previously unidentified Aboriginal objects are discovered, all work must immediately stop in the vicinity of the affected area. Works potentially affecting the previously unidentified objects must not recommence until Heritage NSW has been informed. The measures to consider and manage this process must be specified in the Unexpected Heritage Finds and Human Remains Procedure required by Condition and include registration in the Aboriginal Heritage Information Management System (AHIMS).