



Ms Anthea Sargeant  
Executive Director  
Regions, Industry and Key Sites  
Department of Planning, Industry and Environment  
[REDACTED]

Our reference: DOC20/628251-9

Attention: Ms Melissa Halloran, Senior Planning Officer, Special Activation Precincts  
[REDACTED]

## **Wagga Wagga Special Activation Precinct Draft Master Plan and Discussion Paper**

Dear Ms Sargeant

I refer to recent discussions with your staff regarding the Wagga Wagga Special Activation Precinct. Following the discussion, Heritage NSW provides our response focusing on a review of the 'Wagga Wagga Special Activation Precinct Draft Master Plan' (July 2020) and 'State Environmental Planning Policy (Activation Precincts) 2020 Amendment No. 1 - Introduction of Wagga Wagga Special Activation Precinct Discussion Paper' (17 July 2020).

Heritage NSW has a statutory responsibility for the management of the regulation of Aboriginal cultural heritage in NSW.

We encourage opportunities be sought to protect and conserve Aboriginal objects and places through the Wagga Wagga Special Activation Precinct (SAP). We encourage the development of conservation outcomes through consultation with Aboriginal people. Aboriginal objects or places that may be harmed through works will require an Aboriginal Heritage Impact Permit (AHIP) under the *National Parks and Wildlife Act 1974*.

### **Bomen Axe Quarry**

We welcome the protection of the Bomen Axe Quarry, a declared Aboriginal Place, through appropriate land use zoning of E2 Environmental Protection and a surrounding buffer of RE1 Public Recreation Zone to provide physical separation from the Regional Enterprise Zone. Identified cultural heritage values of the place include landscape setting and views. We support the strategies to protect landscape values and important views to and from the Axe Quarry. It is important that the Aboriginal community is at the forefront of the management of the Bomen Axe Quarry and is consulted.

### **Level of field assessment conducted**

We note the *State Environmental Planning Policy (Activation Precincts) 2020* clause 8 (2) requires the Master Plan to contain:

- d) *information about any heritage items, heritage conservation areas or places of heritage significance within the Activation Precinct, and*
- e) *limitations on development on land within the Activation Precinct, such as environmentally sensitive areas...and cultural heritage.*

We understand some assessment for Aboriginal cultural heritage has been undertaken for the Wagga Wagga SAP, however large parts of the SAP including sizable portions of the Regional Enterprise Zone have not been subject to Aboriginal cultural heritage field assessment during the assessment process. The Master Plan reports only on the results of field assessment of some allotments and therefore we consider it does not substantially meet clause 8 (2) (d) and (e) in relation to Aboriginal cultural heritage. While noting existing industrial development and infrastructure and some allotments within the SAP have been subject to more recent assessment and approvals in relation to Aboriginal cultural heritage such as the Riverina Intermodal Freight and Logistics (RiFL) Hub and Wagga Wagga Solar Farm North, we consider the level of field assessment conducted to be inadequate to identify Aboriginal cultural heritage across the landscape nature size of precinct. Without assessing all of the development areas for Aboriginal cultural heritage values at the present strategic stage, it is difficult to assess cumulative impacts from the SAP. The Discussion Paper does not state how the parcels of land which have not been assessed for Aboriginal cultural heritage will be managed, for example whether these areas will be included in the Environmentally Sensitive Map or similar mapping in the SEPP.

We recommend further field assessment be undertaken, particularly in the higher priority Regional Enterprise Zone to identify any Aboriginal cultural heritage that may exist. This would inform if there are Aboriginal objects or cultural values that need to be avoided, managed or potentially requiring approval. This would provide greater understanding of potential limitations on development within the precinct and provide certainty to the master planning for the SAP.

The parcels of land that have not been subject to field assessment will require, prior to development, further assessment in accordance with the [Code of Practice for Archaeological Investigation in NSW](#) (DECCW 2011) (Code of Practice), [Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales](#) (OEH 2011) (the Guide) and [Aboriginal Cultural Heritage Consultation Requirements for Proponents](#) (DECCW 2010). This will require as a minimum field survey and assessment, consultation with Aboriginal people in accordance with the consultation requirements and documentation of results in a cultural heritage assessment report. Depending on the results of desktop review and field survey, further assessment in the form of archaeological test excavation may be required as detailed in the Code of Practice.

We note that in the Discussion Paper that areas of Aboriginal cultural heritage have been designated as Environmentally Sensitive Areas and these locations will be mapped and exempt and complying development provision will not apply to these areas. We would welcome an opportunity to view and comment on a copy of this map before it is finalised and incorporated in the SEPP.

### **Aboriginal Cultural Heritage Management Plan**

We note an Aboriginal Cultural Heritage Management Plan (ACHMP) is proposed to be developed as part of the Delivery Plan. We would welcome an opportunity to view and comment on the draft ACHMP and Delivery Plan in relation to Aboriginal cultural heritage regulation matters when these are developed.

### **Comments under the Heritage Act 1977**

Heritage NSW's Heritage Programs team will provide separate comments on the SAP in relation to considerations under the *Heritage Act 1977*.

If you have any questions about the above matter please contact Lyndon Patterson, Archaeologist, Aboriginal Cultural Heritage Regulation – South at Heritage NSW, Department

of Premier and Cabinet, by email at [REDACTED] or phone on [REDACTED]

Yours sincerely



**Jackie Taylor**  
**Senior Team Leader, Aboriginal Cultural Heritage Regulation - South**  
**Heritage NSW**

Date: 16 October 2020