

## Talia Walker

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**From:** noreply@feedback.planningportal.nsw.gov.au on behalf of Planning Portal - Department of Planning and Environment  
<noreply@feedback.planningportal.nsw.gov.au>  
**Sent:** Tuesday, 15 June 2021 5:27 PM  
**To:** DPIE PSVC Special Activation Precincts Mailbox  
**Cc:** DPE PS ePlanning Exhibitions Mailbox  
**Subject:** Webform submission from: The draft Moree Special Activation Precinct Master Plan  
**Attachments:** just-reinvest-nsw-submission-draft-master-plan-moree-sap-15.06.21-docx.docx.pdf

Submitted on Tue, 15/06/2021 - 17:23

Submitted by: Anonymous

Submitted values are:

### Submission Type

I am submitting on behalf of my organisation

## Name

### First name

Mekayla

### Last name

Cochrane

### I would like my submission to remain confidential

No

## Info

### Email

[REDACTED]

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Moree 2400

### Please select if you support or object the Moree SAP

Support

### Submission file

[just-reinvest-nsw-submission-draft-master-plan-moree-sap-15.06.21-docx.docx.pdf](#)

### Submission

See attached

### I agree to the above statement

Yes



## Draft Master Plan - Moree Special Activation Precinct (SAP)

Submission by Just Reinvest NSW

15 June 2021

### About this submission

We thank the Department of Planning, Industry and Environment for the opportunity to provide a submission on the Draft Master Plan for the Moree Special Activation Precinct ("the Draft Master Plan").

While the areas covered in the Draft Master Plan are broad and far-reaching, our submission is confined to only some matters that impact on the rights of the Aboriginal community in Moree.

For any questions related to this submission, please contact [REDACTED]

### About Just Reinvest NSW

Just Reinvest NSW supports Aboriginal communities to explore and establish justice reinvestment initiatives and advocates for systemic changes that build safer and stronger communities. We began in 2011 as a strategic initiative of the Aboriginal Legal Service NSW/ACT. We are guided by an executive committee and supported by a network of champions, youth ambassadors and supporters across the legal, corporate, government and for-purpose sectors.

We work at a local level with Aboriginal communities to explore and implement community-led justice reinvestment initiatives, at the same time advocating for legislative and policy changes that will drive down interactions with the criminal justice system and incarceration rates and support community leadership and self-determination. Justice reinvestment is a way of working that is led by the community, informed by data and builds strategies to address issues at a local level. The aim is to redirect funding away from prisons and into communities that have high rates of contact with the criminal justice system, through both community-led initiatives and state-wide policy and legislative reform.

More information about Just Reinvest NSW, our approach and our work can be viewed at <https://www.justreinvest.org.au/>

Just Reinvest NSW collaborated with the Bourke community to support the establishment of Maranguka using a justice reinvestment framework and we continue to support its important work. We are currently working closely with members of the Aboriginal communities in Moree and Mount Druitt to explore how a justice reinvestment approach might work in those communities.

This submission is based on our work with the Moree Aboriginal community.

### *Our work with the Moree community*

We have been working with the Moree community since late 2018. The “Moree Community Leading Justice Reinvestment” comprises a core group of community members who are leading the emerging justice reinvestment work. There are additionally two Working Groups that are meeting around the priorities of (i) education engagement; and (ii) supporting families doing it tough (to support their kids). Mental health is an emerging priority. Moree has developed its own Indigenous Data Sovereignty Principles and Principles, Ground Rules and Processes on how we do this work together and we are currently exploring Terms of Reference.

We have started and are planning a number of “justice circuit-breaker” projects and initiatives including

- *Bail Project*: working with the ALS, Moree Police & community to lower breaches by ensuring young people granted bail, and those in community on bail have fit for purpose/lawful bail conditions.
- *Young people*: supporting young people & Moree Aboriginal community to lead solutions on youth crime/kids on the streets at night through supporting collaboration on pro social activities & support for young people at night. We are planning a 2-day Youth Forum (and Block Party) in November
- *Education Roundtable/Summit*: planned for late 2021/early 2022
- *Mental health*: exploring better mental health diversion/s 32/Justice Health nurse availability

### *Summary of issues in our Submission*

- While the draft Master Plan refers to the opportunities to benefit the Moree Aboriginal community, more detail is required in the Plan - and this should be provided before any “Delivery Plans” are finalised. There is scope to significantly increase and enhance the level of engagement and communications with the Aboriginal community. There should be more education in and with community on how they can be involved in and lead decision-making.
- To help build community trust, more work needs to be done to improve transparency and accessibility to processes and documents.
- As it currently reads, the Draft Master Plan and the supporting documents provided are in nature “government-led” and not led by community. “Co-design” principles and processes can feel tokenistic. There is opportunity to change this – through building a broader trust base and buy-in. The role of the Aboriginal Reference Group needs careful consideration.
- In particular, it is unclear how the SAP will directly impact on the Aboriginal community living in Stanley Village/Top Camp and what scope there is for residents to have more involvement in decision-making on things that directly impact on their amenity – and the significant cultural history in the area.
- Caution needs to be exercised with respect to the process of setting up any Aboriginal Reference Group. There is already significant duplication in Moree, and there needs to be a way to align with what is presently happening– and to make sure community is genuinely leading.
- There is opportunity to aim higher in the training/employment area - including specific support for supporting and growing Aboriginal enterprise so that the Aboriginal community can reap short, medium and long-term benefits that the SAP could provide.
- There needs to be immediate opportunity to bring the voices and lived experience of young people – as the future leaders in Moree - into the Master Plan’s processes and decision-making.

- There should be more information and clarity around the rights of the community to query decisions being made with and through the SAP.
- There should be better opportunities for a better “green” and sustainable SAP including employment opportunities in the renewables space – and in bringing in Aboriginal country/cultural practices. There is also opportunity to consider carbon offsets and credits through Aboriginal owned and run organisations.
- There should be a clear and transparent way that the substantial financial investment in the Moree SAP from both government and business is leveraged to make changes in Moree to benefit the Aboriginal community. Community funds, employment quotas, Aboriginal enterprise quotas, business/community partnerships (and the like) and giving back to the community, on community’s terms, should be considered immediately – with the community.
- The actual investment in Moree, and business players in the SAP should be shared more transparently with the community to help inform decision-making.

## Development and community under the Draft Master Plan

The Draft Master Plan refers to a “new planning framework [that] will see most development be Exempt or Complying Development”, where it meets the requirements of the Activation Precincts State Environment Planning Policy (SEPP) established under the Environmental Planning and Assessment Act 1979, master plan and the Delivery Plan.

The Draft Master Plan refers to the Planning Framework (on page 17) whereby stage 1 identifies Exempt and Complying Development pathways for certain development. It is not apparent from the Draft Master Plan or the accompanying Discussion Paper what those developments or pathways are. The Discussion Paper notes that complying developments will not be advertised and will not require an Environmental Impacts Statement or Statement of Environmental Effects but refers instead to a “compatible” level of impact assessment.

We submit more needs to be done to provide information to the Aboriginal community about their rights and responsibilities in relation to SAP fast-tracked development and industrialisation, some of it on residents’ doorsteps. This could take the form of independent community education, perhaps from organisations like the Environmental Defenders Office or the like.

## SAP’s benefits to Moree’s Aboriginal community

The Draft Master Plan notes Moree Aboriginal community’s resilience but also notes disadvantage and Moree’s ongoing aim for “change, social justice, healing and improved social and economic outcomes” (p 12). It states that the *“delivery phase to activate Aboriginal-owned land within the Precinct will generate economic opportunities for local Aboriginal people, creating empowerment and self-determination”* (p12). While it notes the economic benefits that may come from the Aboriginal-owned land in Moree, there is no detail on how empowerment and self-determination will practically be reached.

While this aspiration is welcome, we submit more detail is required to understand how the SAP will address disadvantage, create economic outcomes and enable self-determination - and how this will translate into Delivery Plans under the SAP will be achieved.

We note that the SAP provides a “concierge” for business investment. The SAP could consider analogous “concierge” position/framework to leverage opportunity to grow and invest in Aboriginal business opportunity – including training, and employment to support employment and entrepreneurship.

### *A note on accessibility & engagement*

We note that the SAP has potential to be a gamechanger for Moree, including Aboriginal people. We also note a degree of groundwork has already been done. We understand that the Moree Local Aboriginal Land Council (MLALC) has rightly taken a role in discussions with the relevant agencies as MLALC have land holdings of interest and value within the Precinct and the community. We also understand Murawin have been engaged to do consultations on a fly in fly out basis and that Moree Plains Shire Council has been hosting many of the consultations. While it is clear from the Discussion Papers and technical reports available through the Planning Portal that a lot of work has taken place, there is no general “public interface” for the work progressed in the interests of the Moree Aboriginal community, and we understand that people feel excluded from the processes.

The perception from many in the community is that the processes have been “closed” or “private” and that there is a risk the Aboriginal community will be left behind. Work needs to be done to engage/re-engage the Aboriginal community who could greatly benefit from the SAP - but who also may suffer detriment from the SAP. As far as we are aware, there are no easily accessible (if any) public records of minutes of meetings and consultations with the Aboriginal community on the SAP over the last 12-18 months, issues that may impact on the community. There has also been little public notice of meetings convened by Murawin, Moree Plains Shire Council or the government agencies involved in the meetings and consultations with community. Just Reinvest NSW has found no record of meetings on the Moree Council or Land Council websites. These shortfalls of transparency result in missed opportunities for fulsome engagement, buy-in, input and relationship building.

### *Volume and technical nature of the papers and reports*

The Technical Reports that accompany the draft Master Plan may not be accessible to community: they are voluminous and online which is out of reach for many. The Plans are only on display in limited town locations.

### *Appropriate and culturally safe engagement*

The Draft Master Plan makes aspirational statements that the SAP will benefit the Gamilaroi community. However, in our view, more work needs to be done to make what has been done to date and what is still in the planning stages for the future accessible to the community in order that community can genuinely understand and engage with the content and the processes of this significant project.

As far as we are aware, most if not all of the “community” consultations have taken place in the Shire Council rooms. There are many in the community who, for historical and personal reasons, do not feel comfortable or welcome in the Shire Council rooms.

### *Consultation with the Aboriginal community to date*

As noted above, there is scope for more expansive consultation with the Aboriginal community. While we understand there has been work with the Moree Local Aboriginal Land Council (MLALC) - it appears that

that work is focused on economically activating parcels of land owned by the MLALC that sit within the SAP. While some of the benefits of activating MLALC land could have promising and welcome benefits to the Moree Aboriginal community, some people living in Top Camp remain unaware of the nature or content consultations that took place during 2020 - when the pandemic limited engagement. It is unclear if any consultations actually took place at Top Camp. We are also aware that not all residents of Moree are actively engaged with the MLALC and are therefore not privy to any negotiations between the MLALC and SAP.

We understand Murawin have been engaged for some time to work with the Aboriginal community. However, they are not Moree-based, and we observe that many Aboriginal people in the Moree community are unaware of the work they have done. We note that the Murawin Report is only recently available, and that the “baseline report”, “Aboriginal Enquiry by Design” and “scenario testing” referred to in the Murawin Report are not publicly available. The absence of these reports and adequate background or context limits our ability to comment on the Murawin Report.

### *Suggestions going forward*

Suggestions include:

- Recruit, train and engage/employ independent local Moree Aboriginal people to enable the work of the SAP to reach the community (and keep their work arms-length from organisations invested in the SAP).
- Engage/employ young Aboriginal people to lead the work that relates to and impacts on young Aboriginal people.
- Undertake to do consultations and briefings directly with the Moree Aboriginal people. Consider how SAP should engage directly with the communities residing close to the SAP, in particular residents of Top Camp.
- Move the engagement with community out of Shire Council rooms and into the community.
- Display the Plans in community and in particular in sites that will most directly be impacted (for example, Top Camp).
- Make the SAP and accompanying reports including technical reports more accessible - write and distribute plain-English summaries. Make hard copies available.
- Have people on hand in community to discuss the SAP.
- Bring more transparency in how the SAP work with the Moree community is done. Improve how public meetings and consultations are promoted. There are many organisations, including Just Reinvest NSW, who are not aware of when or where consultations are occurring.
- Use caution in considering the “Aboriginal Reference Group.” Moree has an uncoordinated service sector that variously excludes, duplicates and operates in silos. Work with what already exists or is emerging in the community.

### *An Aboriginal Reference Group*

The Draft Master Plan (at page 33) states an intention to:

*“Establish an Aboriginal Reference Group through an Indigenous-led community process to enable an ongoing dialogue with the Aboriginal community, with the involvement of the NSW Aboriginal Land Council.*

*The remit of the Aboriginal Reference Group is to:*

- a. Maintain and advance Aboriginal sites in the Precinct,*
- b. Maintain ongoing dialogue regarding Designing with Country, that includes “letting Country speak for herself”, considering place, history and spirit, hills, plains, waterways.*

The establishment of an Aboriginal Reference Group has potential to be a significant vehicle to ensure the Moree Aboriginal community have a say in the Master Plan and Delivery Plans going forward.

We note:

- There are no details on the constituency of the Aboriginal Reference Group and how it will be established.
- The remit as specified on above of appears to be unnecessarily narrow - and does not extend to the economic, education & training, employment, entrepreneurship, broader social priorities & issues or any of the significant planning aspects of the SAP.

As already noted in the various technical reports, the service system in Moree is already complicated and siloed, compounding complexity and contentiousness. Initiatives that are imposed from outside Moree are justifiably viewed with scepticism as the promised benefits have not been realised and approaches labelled as “co-design” fail to genuinely engage.

If the aim of the Aboriginal Reference Group is to ensure genuine collaboration with the agencies involved in the SAP, it must be allowed to proceed at community pace to build and maintain trust.

We suggest that the establishment of the Aboriginal Reference Group needs to:

- be developed locally with local input and local expertise, recognising local assets and strengths in the Moree community
- have its cultural authority respected
- be appropriately resourced
- be accompanied by appropriate training and secretariat support
- ensure role of the Group is not a simplistic or tokenistic tick-box exercise
- have a broader remit than that stated in the Draft Master Plan.

We note that through the justice reinvestment work in Moree, we are building a “community-leading justice reinvestment” group and this group may be interested in discussion and exploring their role in any Aboriginal Reference Group.

## Operationalising benefits to the Aboriginal community

Moree has a large Aboriginal population. At last Census (2016), the Aboriginal population was calculated at 20.1% but there is a consensus view in Moree that the proportion is much higher due largely to undercounting. With an influx of both people and funding into Moree, we would like to see in more detail how the opportunities and investment into Moree through the SAP will address some of the pressing social determinants that continue to hold disadvantage in place.

More details is needed with regard to how the community will benefit from social and community infrastructure. We see that there could be enormous benefit to the Moree community, but only if the

Aboriginal community is included in the processes and decision-making. Ideally this would have already happened but it is unclear to us if and how this has happened. As mentioned above, it appears to us that there is opportunity to address issues around the level of consultation with the community. As noted above, the reports and documents that sit behind the Draft Master Plan are only recently publicly available, and we note again that not all of the documents, minutes or background reports are available.

The Social Infrastructure and Community Report (“the Eton Report” found in the Technical Reports) refers to the development of an Action Plan. However, the Draft Master Plan is silent on the Action Plan. The Eton Report states that *“The Action Plan would be a complement to the Social and Community Infrastructure and Aboriginal Outcomes reports but would be developed separately and post public exhibition of the plans prepared for the SAP.”* We submit there may be benefit in having the Action Plan set out in the Master Plan and Delivery Plans to ensure the actions and social outcome targets developed under the Action Plan are indeed actioned, remain live, are measured and the organisations undertaking the actions are accountable to the community.

We also suggest that the mandate and authority the Aboriginal Reference Group referred to above be included specifically in the Master Plan and Delivery Plans.

### *Alignment with OCHRE and Closing the Gap targets*

We again note that the Draft Master Plan refers to the opportunity to align with OCHRE and Closing the Gap (CTG) targets, but it is silent on how. The SAP could provide an opportunity to explore concrete ways in which these issues could be addressed with targets and measurements in place.

We are unclear how these issues will find their way into the final Master Plan and Delivery Plans and see opportunities to differentiate the Moree SAP from other SAPs and explicitly bring concrete activities and social outcomes into Delivery Plans. These could be explored through positive procurement policies, social bonds, quotas, tied funding, levies and the like. We see scope for collaboration on how to operationalise activities, outputs and proposed outcomes.

### *Improving justice outcomes*

From a justice outcomes point of view, we note that in Moree there is:

- No opportunity or availability to use s32 diversions to mental health support for those going through the criminal justice system
- No Magistrate’s Early Referral into Treatment (MERIT) program at Moree Local Court
- No detox facility in Moree – people have to travel out of town to detox before they are accepted into the local drug rehabilitation facility, and no use of beds in the hospital for this purpose
- No specific drug & alcohol services for young people in Moree
- Inadequate emergency department treatment in Moree hospital for those seriously affected by drugs.

### *Improving health outcomes*

For example, the issue of inadequate healthcare in Moree has been addressed or referred to in research, Government Inquiries and reports. This includes acute shortage of and access to both GPs and specialists, and the urgent need for better mental health, alcohol and other drugs services is critical. We also note the Aboriginal community’s concerns about high rates of cancer-related illnesses and deaths in Moree.



Moree Plains Shire Council's 2018 own submission to the *Inquiry into the Indicators of, and Impact of, Regional Inequality in Australia*<sup>1</sup> noted the critically poor state of Moree's health infrastructure. Aboriginal community members in Moree have told Just Reinvest NSW of families' lived experiences of the challenges of getting adequate health care in Moree including poor treatment, lack of cultural safety, experiences of racism and high adverse patient outcomes from health care providers including the Moree Hospital.

### *Improving outcomes for Aboriginal young people in Moree – including educational outcomes.*

The focus of the justice reinvestment work in Moree is about improving outcomes for Aboriginal young people - to keep them away and out of the criminal justice system by working with the Aboriginal community to lead solutions that address the *drivers* into that system through a lens of self-determination. This is a whole-of-community approach and requires buy-in and support from government, the not-for-profit and the corporate sector to make changes to the systems that hold disadvantage and poor outcomes in place.

Moree's investment in young people needs to be improved, with a refocus on more positive and community-led ways of assisting young people and their families who may be doing it tough. The Draft Master Plan refers to OCHRE and CTG alignments. As noted above, we suggest that the SAP presents opportunities to work differently to support better opportunities for young people in Moree. We also note the poor educational outcomes for Aboriginal people in Moree with high school disengagement, suspensions and expulsions at disproportionate rates compared to the general population.

Importantly, we caution against approaches that only bolster previous initiatives that have not worked in the past or have not delivered improvements to the life-course outcomes of young Aboriginal people and their families in Moree. We see opportunities to work differently and look forward exploring this.

### *Impact on particular parts of Moree's Aboriginal community*

We have heard of particular concerns about the proximity of the SAP to culturally and historically significant parts of Moree - in particular, Stanley Village (Top Camp).

The Moree SAP's REZ zone covers the vast majority of the precinct. Smaller zones (RAZ zones) appear to be reserved for other less industry-heavy activities. It is unclear to some why the northern part of the SAP is not zoned differently to better preserve the amenity and cultural history of that area. There are concerns about potentially hazardous and high impact industrial activities, including air, noise and odour issues. The SAP states there will be "clear separation distances for development within the Precinct to ensure that the amenity enjoyed by residents north of the Precinct is maintained" but gives little detail on how this will be done.

There are concerns:

- about the impact on this area of high community significance.
- in the formulation of a final Master Plan and Delivery Plans, the affected community will have no or little time to understand and respond to the impact.

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<sup>1</sup> See Submission to Inquiry into the Indicators of, and Impact of, Regional Inequality in Australia <https://www.aph.gov.au/DocumentStore.ashx?id=a7234792-1fea-4087-beaa-083b1a7b8b3e&subId=565364>

- that the potentially high impact industrial activities are located so close to Top Camp.
- that the fast-tracked complying and exempt development processes will mean the residents most likely to be physically directly affected by SAP developments will not have adequate opportunity to understand and assess any impacts.

The “benefit” to Top Camp in the Draft Plan is stated to be its “proximity” to the Precinct at page 31:

*“The proximity of Stanley Village to the Precinct provides opportunities to improve connectivity for residents to and through the Precinct, to areas of employment and waterways and vegetated areas.”*

However, the tangible benefits of “connectivity” beyond proximity are unclear.

### *Future expansion of rail corridors near Top Camp*

The Draft SAP plan additionally forecasts future activities in relation to the expansion of corridors of the rail network. It is unclear on what impact the forecast development will have on Top Camp.

There are concerns about the stated intent to avoid an Activation Precinct Certificate (at p 27).

*“an Activation Precinct Certificate should not be issued for development that might compromise long term opportunities and subdivision of large strategic lots should be avoided.”*

### *Hazardous materials - and hydrogen*

There is concern in the community about the risks associated with hydrogen production and transport. There is also concern that safeguards must be in place to ensure the appropriate designation of works associated with hydrogen are not designated as low or medium risk enterprises.

### *Aboriginal cultural heritage*

Our submission does not comment on cultural heritage. This is a highly technical but critically important area requiring expertise - and we submit that more consultation could be done and more information should be provided in accessible form so that the Moree Aboriginal community are fully apprised of their rights and responsibilities in relation to cultural heritage.

We refer to Section 4.2.2 “Potential heritage items within the Moree SAP” in the Heritage Report (at page 81) which includes Stanley Village (Top Camp) as one of five (5) historic components extant within the SAP investigation area that hold some interest. Top Camp is referred to earlier in the report as an area of cultural significance - along with the Moree Baths. The Heritage Report undertakes an assessment in accordance with the NSW Heritage Assessment Criteria of the 4 other areas of heritage interest but does not undertake an assessment of Top Camp to inform any subsequent recommendation as to whether DPIE/MPSC should investigate local heritage listing. It is unclear why the same assessment of Top Camp was not undertaken by the authors of the Heritage Report.

We note that areas requiring further heritage assessment should be suitably assessed and any land identified as having Aboriginal cultural heritage significance will be included on an Environmentally Sensitive Areas map which will be contained in a schedule of the Activation Precincts SEPP and will indicate locations where complying development cannot occur (see page 33).

