



A view of the landscape at Sponars Chalet within Snowy SAP Alpine Precinct.

ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN

SNOWY MOUNTAINS SPECIAL ACTIVATION PRECINCT (ALPINE PRECINCT)

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.

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ABBREVIATIONS AND GLOSSARY

Aboriginal object	Includes all types of Aboriginal objects such as artefacts, modified trees, and quarry locations. It also refers to a grouping of objects commonly referred to as a 'site'.
ACH	Aboriginal cultural heritage
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> (DECCW 2010c), 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> (DECCW 2010a). Guidelines for conducting Aboriginal community consultation for developments where harm to Aboriginal objects is likely.
ACHMP	Aboriginal Cultural Heritage Management Plan
AHIMS	Aboriginal Heritage Information Management System. Administered by the DPE, AHIMS is the central register of all Aboriginal objects 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.
DCP	Development Control Plan
DPE	NSW Department of Planning and Environment
Due diligence	<i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW</i> (DECCW 2010b)
EP&A Act	<i>NSW Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</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)

KNP	Kosciuszko National Park
LALC	Local Aboriginal Land Council
LEP	Local Environmental Plan
LGA	Local Government Area
NPW Act	NSW <i>National Parks and Wildlife Act 1974</i> . Primary legislation governing Aboriginal cultural heritage within NSW.
OzArk	OzArk Environment & Heritage
RAP	Registered Aboriginal Party. An individual or group who have indicated through the ACHCR process that they wish to be consulted regarding the project.
SAP	Special Activation Precinct
SEPP	State Environmental Planning Policy
The Plan	Aboriginal Cultural Heritage Management Plan

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1 INTRODUCTION

This Aboriginal Cultural Heritage Management Plan (ACHMP, the Plan) provides heritage management measures for Aboriginal cultural heritage and applies to the Snowy Mountains Special Activation Precinct (SAP) Alpine Precinct. This Plan is informed by the Snowy Mountains SAP Master Plan Aboriginal Cultural Heritage Assessment Report (ACHAR) (OzArk 2022). This Plan also informs the Alpine Precinct Development Control Plan (DCP). The State Environmental Planning Policy (Precincts–Regional) 2021 (Precincts–Regional SEPP) and the DCP are applicable to development in the Alpine Precinct, while this Plan provides context to the objectives detailed in the DCP.

The Alpine Precinct falls within the boundaries of the Eden and Bega Local Aboriginal Land Councils (LALCs). The recognised traditional custodians of the Snowy Mountains SAP area are the Ngarigo people.

The Snowy Mountains SAP is divided into three Precincts: the Alpine Precinct, the Jindabyne Growth Precinct, and the Jindabyne Catalyst Precinct. All development related to the Snowy Mountains SAP will be contained within these Precincts.

This Plan details conservation measures for Aboriginal cultural heritage within the Alpine Precinct and a separate management plan has been prepared for historical cultural heritage located within the Alpine Precinct.

1.1 PURPOSE

The purpose of this Plan is to manage Aboriginal cultural heritage in a sensitive and appropriate manner and to inform the DCP planning controls for the Alpine Precinct to clearly determine assessment requirements regarding cultural heritage prior to and during development and/or construction.

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

1.2 SNOWY MOUNTAINS SAP BACKGROUND

The objective of the Snowy Mountains SAP is to create year-round economic activity which will evolve and enhance the region from a single to multi-season destination whilst enhancing environmental resilience. The Snowy Mountains SAP will assist with sustainable development and future proofing the economy of the Jindabyne and alpine resort areas. This Plan will be used in conjunction with the:

- Kosciuszko National Park Plan of Management (2006)
- Amendment to the Plan of Management Snowy Mountains Special Activation Precinct (2022)

- The Snowy Mountains SAP Master Plan (DPE 2022)
- State Environmental Planning Policy (Precincts–Regional) 2021 (Chapter 4)
- The Alpine Precinct Development Control Plan (in preparation).

This Plan informs documents such as the DCP and provides context for the heritage values identified in the DCP.

1.2.1 The Snowy Mountains SAP Master Plan (DPE 2022)

This document identifies the vision, aspirations, and principles for the Snowy Mountains SAP. It provides detailed Precinct land use controls, and identifies performance criteria for amenity, environmental performance, and infrastructure provision. The Precincts are detailed in terms of proposed land use in relation to land use zoning designations. It further scopes the finer detailed matters that will be addressed in the DCP.

The Alpine Precinct will follow the Precincts–Regional SEPP (**Section 3.2.4**). The Alpine Precinct consists of the following alpine resorts and resort accommodation:

- Thredbo Alpine Resort
- Thredbo Rangers Station
- Perisher Range Alpine Resort (Perisher Valley, Smiggin Holes, and Guthega Alpine Resorts, as well as Blue Cow Terminal and Pipers Gap)
- Charlotte Pass Alpine Resort
- Sponars Chalet Alpine Resort
- Ski Rider Alpine Resort
- Bullocks Flat Terminal
- Kosciuszko Tourist Park
- Creel Bay
- Mount Selwyn Alpine Resort.

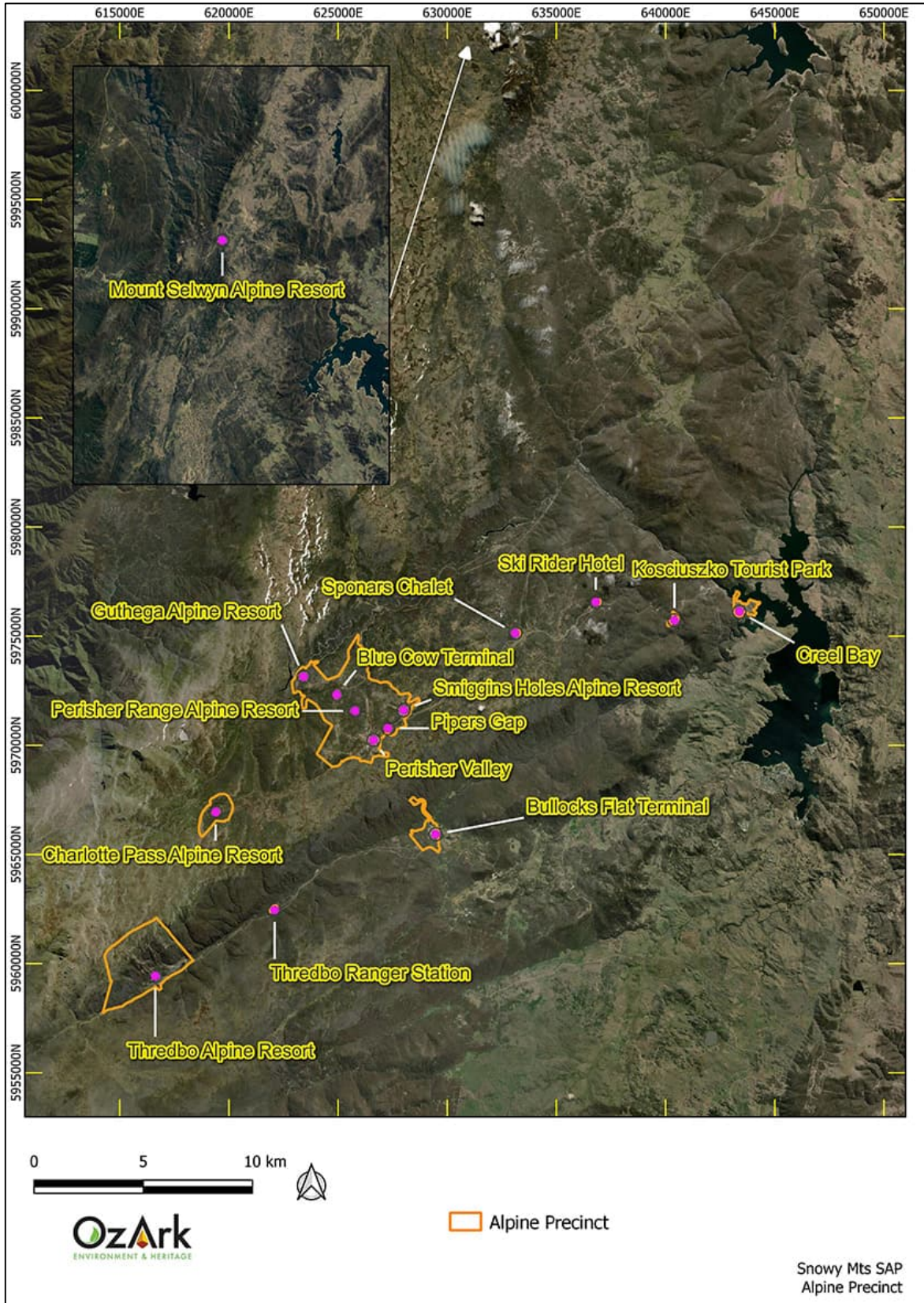
The Blue Cow Terminal and Mount Selwyn Alpine Resort were not part of the heritage assessment area that informed the Snowy Mountains SAP Master Plan. Therefore, they were not surveyed and are considered part of the unsurveyed areas identified in this Plan and any heritage values contained in these areas were not assessed.

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

The Snowy Mountains SAP Master Plan was finalised in July 2022. Section 7.1 of the Master Plan establishes the strategic objectives of the Snowy Mountains SAP with regards to Aboriginal cultural heritage. The Master Plan notes that the aspiration of the Snowy Mountains SAP is to:

- Ensure the Snowy Mountains Special Activation Precinct celebrates and protects its history and landscape values, particularly its occupation by Aboriginal people and their connection to the land
- Ensure Aboriginal culturally significant places and artefacts are protected, maintained, and enhanced
- Allow and promote development and Precinct design that recognises Connection and Return to Country
- Build relationships with Ngarigo Traditional Custodians at all stages of development, and in accordance with the Government Architect NSW draft Connecting with Country framework
- Celebrate Ngarigo culture, values, and heritage in future development
- Enable formal Ngarigo participation in Caring for Country, making decisions about Country, contemporary use of natural resources and Cultural knowledge transmission, and protection of key geographical features
- Respect Ngarigo people's rights, obligations, roles, and connections to Country as Traditional Custodians of the land and waterways by embedding Aboriginal cultural knowledge in project delivery.

Figure 1-1: Location of elements within the Alpine Precinct



2 SNOWY MOUNTAINS SAP CULTURAL HERITAGE ASSESSMENT

The initial technical studies for the Snowy Mountains SAP Master Plan began in 2020, with a revised final ACHAR produced in 2022 by OzArk Environment & Heritage (OzArk). Aboriginal community consultation was undertaken according to the *Aboriginal Cultural Heritage Consultation Requirements for proponents* (ACHCRs) (DECCW 2010a) in conjunction with the development of the ACHAR.

Field assessments were undertaken between 2020 and 2022. The purpose of these assessments was to ensure the Alpine Precinct was comprehensively surveyed to identify areas where future development should not occur. The survey covered areas where development was proposed in the Snowy Mountains SAP Master Plan and did not include the entirety of the Alpine Precinct. For example, survey was confined to the village areas and did not include the ski slopes or landforms distant to the village areas. Cultural significance, landforms, identification of Aboriginal objects, and the assessment of archaeological potential defined the Aboriginal cultural heritage (ACH) zoning described in this Plan.

A summary of the Aboriginal cultural heritage values located within the Alpine Precinct identified by OzArk (2022) is presented in **Section 5.2**.

2.1 OBJECTIVE AND OUTCOMES

This Plan has been developed to inform the objectives and planning controls for the Alpine Precinct DCP, to satisfy the requirements of the Master Plan, and to ensure that Aboriginal cultural heritage within the Alpine Precinct is managed appropriately with respect to all relevant legislation and in consultation with relevant stakeholders as part of any future development.

The objective of this Plan is to set out controls and protocols to prevent unapproved harm to any identified and/or unidentified Aboriginal heritage objects or values on land within the Alpine Precinct.

This Plan:

- Details the procedures for managing Aboriginal heritage
- Details reporting and further heritage assessment requirements
- Presents a process for ongoing Aboriginal community consultation.

The way this Plan addresses the applicable statutory requirements is detailed in **Section 3**.

3 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. 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.

This section outlines the state and commonwealth legislative framework for the for the protection of Aboriginal cultural heritage.

3.1 COMMONWEALTH LEGISLATION

3.1.1 *Environment Protection and Biodiversity Conservation Act 1999*

The *Environmental Protection and Biodiversity Act 1999* (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 objects or places 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.

3.1.2 *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*

The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (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 Alpine Precinct

The Alpine Precinct is within the nationally listed Snowy Australian Alps National Parks and Reserves (ID 105891) and contains elements of the nationally listed Snowy Mountains Scheme (ID 105919). As such, the heritage provisions of the EPBC Act apply.

There are no known applications under the ATSIHP Act within the Alpine Precinct.

3.2 STATE LEGISLATION

3.2.1 *Environmental Planning and Assessment Act 1979*

The *Environmental Planning and Assessment Act 1979* (EP&A 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.

Division 3.3 of the EP&A Act establishes environmental planning instruments that govern particular types of development.

Applicability to the Alpine Precinct

Development within the Alpine Precinct will be controlled by the Precincts–Regional SEPP and the Alpine DCP.

3.2.2 *National Parks and Wildlife Act 1974*

The *National Parks and Wildlife Act 1974* (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 handcraft 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 Aboriginal Heritage Impact Permit (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 the Department of Planning and Environment (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.

Applicability to the Alpine Precinct

Any Aboriginal objects within the Alpine Precinct are afforded legislative protection under the NPW Act.

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

If a proposed development in the Alpine Precinct is complying development, then it 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.

3.2.3 Kosciuszko National Park Plan of Management

The Kosciuszko National Park Plan of Management (NPWS 2006 and as amended in 2022) provides a framework to guide the long-term management of the broad range of values contained in KNP. It contains a suite of actions to be undertaken by the NSW National Parks and Wildlife Service (NPWS) and other organisations to protect and conserve the values of KNP. The provisions of the plan are based upon an appreciation of the international and national significance of many of the values of KNP, and recognition that it is a very important place for many Australians.

First published in June 2006; reprinted May 2010, December 2010, February 2014, December 2014, and June 2021 with amendments. The Kosciuszko National Park Amendment to the Plan of Management: Snowy Mountains Special Activation Precinct was published in August 2022.

Part A of the plan contains background information about KNP and provides an overview of the various values, obligations and constraints that form the basis of the management strategies described in Part B.

Part B of the plan contains more detailed descriptions of the values, uses, threats and places in KNP together with appropriate management strategies. These strategies consist of interrelated sets of management objectives, policies, and actions.

Applicability to the Alpine Precinct

The Kosciuszko National Park Plan of Management includes management of Aboriginal cultural heritage values within the Alpine Precinct. Both the Plan of Management and this Plan are similar in that the protection of Aboriginal cultural heritage is a paramount objective.

3.2.4 State Environmental Planning Policy

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 Precincts–Regional SEPP (Chapter 4) that applies to the Alpine Precinct commenced in December 2022.

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.

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

- Section 4.11 (requirements for exempt and complying development): To be exempt or complying development, the development must not be on –
 - 3(c) land that is or contains an Aboriginal heritage item
 - 3(d) land in an Aboriginal place.
- Section 4.21 (heritage conservation): (1) The objective of this section is to conserve –
 - 1(c) Aboriginal heritage items and Aboriginal places
- Section 4.21 (heritage conservation): (2) Development consent is required for the following in the Alpine Region
 - 2(c) disturbing or excavating land that is, or contains, an Aboriginal heritage item
- Section 4.21 (heritage conservation): (6) Development consent must not be granted to development on land that is, or contains, an Aboriginal heritage item, and that requires development consent under this section, unless the consent authority has:
 - 6(a) given written or other appropriate notice of the development to the local Aboriginal communities, and
 - 6(b) considered responses received from the communities within 28 days after the notice is given.

Applicability to the Alpine Precinct

The Precincts–Regional SEPP (Chapter 4) is applicable in the Alpine Precinct and has been referenced through the discussion of the Master Plan and the DCP (**Section 1.2.1**) in reference to its guiding role in these documents. The requirements of this SEPP, as well as those of the Master Plan, are embodied within this Plan.

4 CONSULTATION

4.1 ABORIGINAL COMMUNITY CONSULTATION

Consultation with RAPs will be through the strategic framework of the Snowy Mountains SAP and separate consultation with agencies or RAPs has not been undertaken for this Plan.

4.1.1 Aboriginal parties for the Snowy Mountains SAP Master Plan assessment

The Snowy Mountains SAP Master Plan assessment identified RAPs by undertaking the guidelines established in the ACHCRs (DECCW 2010a) 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 Alpine Precinct (OzArk 2022).

During the ACHCRs undertaken by OzArk, 17 Aboriginal groups and/or individuals indicated they wished to be consulted as RAPs for the Snowy Mountains SAP Master Plan assessment (**Table 4-1**). Those RAPs who did not wish to be identified are referred to as 'Stakeholder 1' etc.

Table 4-1: Registered Aboriginal Parties - Snowy Mountains SAP Master Plan Assessment

RAPs for the Snowy Mountains SAP Master Plan Assessment	
Alice Williams	Bega Local Aboriginal Land Council
Stakeholder 1	Eden Local Aboriginal Land Council
Freeman & Marx Pty Ltd	Stakeholder 2
Merrigarn Indigenous Corporation	Merrimans Local Aboriginal Land Council
Muragadi Heritage Indigenous Corporation	Murri Bidgee Mullangari Aboriginal Corporation
Ngarigo and Djiringanj people	Ngarigo Elders
Ngarigo Nation Indigenous Corporation (NNIC)	PD Ngunawal Consultancy
Thoorga Nura	Wagonga Local Aboriginal Land Council
Wolgalu Umbe Traditional Custodians Cooperation	

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

4.1.2 Ongoing consultation protocols

On-going consultation will be undertaken in accordance with relevant legislation as part of the development assessment process. Importantly, this would involve undertaking the ACHCRs should a proposed development require an AHIP to harm an Aboriginal object.

Should further consultation be required, the RAPs registered for the Snowy Mountains SAP Master Plan assessment (**Table 4-1**) should be contacted to determine whether they wish to be consulted regarding the proposed development.

5 ALPINE PRECINCT ABORIGINAL CULTURAL HERITAGE VALUES

5.1 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 Aboriginal 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 cultural values 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.

5.1.1 Cultural values

The Alpine Precinct holds both physical and intangible value to the cultural heritage of the Aboriginal communities who occupied the area along the Snowy River. The people of Ngarigo have a connection to Country through ceremonies that took place in the High Country particularly in connection with the Bogong Moth feasting. Identified through listening to the stories of Ngarigo people, the Snowy River is and has been a place integral to mourning and burial of the deceased (Donaldson 2021). Tribal totems were found in such places which were used to identify societal position and affiliation (Donaldson 2021).

The Snowy Mountains has great cultural value for Aboriginal people which goes beyond ceremonial practices as deep spiritual and physical connections were built over an extensive period of times and remain living through family stories and practices. These connections were built through social events such as family lore, marriages, trade, and settlement of the region. The land provided resources such as tools, food, and medicine through various natural and harsh climate cycles.

The ancient Aboriginal route of Bundian Way is highly significant both culturally and environmentally to some Aboriginal people from the Yuin, Ngarigo, Monaro, and Bidhawal people communities (NSW LALC 2022). This 265 kilometre (km) route transits through Yuin Country, connecting the eastern coast of *Bilgalera* to the highest areas of *Targagal*, including Thredbo, and is a part of several dreamtime stories such as the whale dreaming (NSW LALC 2022). This pathway was used to access the Kosciuszko region as part of the annual summer migrations from the east to Bogong Mountains to consume bogong moths, forming a meeting place where various communities gathered, and exchanges of items and thoughts occurred. This annual occurrence is a cultural practice showing the use of natural resources and ancient pathways. These on-going cultural connections are evidenced through enduring traditional knowledge,

memories, and oral stories with Aboriginal place markers and words showing the deep connection to place and importance of cultural identity.

The 2006 *Kosciuszko National Park Plan of Management* (NPWS 2006) notes that the park is highly significant for descendants of Aboriginal people with traditional and historical links to the mountains. This is illustrated by their ongoing sense of belonging and identity, spiritual attachments, surviving traditional knowledge, and family stories and memories. Scientific evidence indicates a long history of Aboriginal use and occupation of the high country and demonstrates successful adaptations to extreme environmental conditions.

The cultural importance of the high country is expressed in the *Kosciuszko National Park Plan of Management*:

Living by natural cycles, the land provides our people with life, ceremony, family lore/law, and resources, such as tools, plant medicine, plant food, waters, fish, animals and insects e.g. the Bogong moth, while the melting of the snow gives life to the many creeks and rivers that flow out of the mountains. There are places of spiritual and physical significance to our people, and we are committed to working in partnership with others to protect, maintain and manage these places. (Kosciuszko Aboriginal Working Group, Kosciuszko National Park Plan of Management: xi).

Kosciuszko National Park Plan of Management (p. 84) highlights the high cultural significance to the descendants of the Aboriginal tribal groups that occupied and visited the high country. In particular:

- The spiritual attachments, surviving traditional knowledge, and family stories and memories illustrate the ongoing cultural connection that Aboriginal people have with the mountains
- The country—its resources, cultural places, and pathways—are of special social and historic significance to Aboriginal people, with some remembered in oral tradition, some documented in nineteenth century records, and others revealed by archaeological investigation
- Aboriginal words and place names provide markers of the presence of Aboriginal people across many of the landscapes of the park
- Aboriginal places within the park have social and historical significance to Aboriginal people. They provide a link to a past way of life, a cultural tradition, a spiritual connection, and a sense of social identity that is highly valued by many members of the Aboriginal community
- The significance of these places to Aboriginal people encompasses both material and non-material aspects
- The potential educational use of such places is a recognised component of their significance

- The annual Bogong moth gathering was one of the most important Aboriginal cultural and social events in south-eastern Australia. The ethnographic evidence, continuing Aboriginal knowledge about this event and the places, routes and physical remains of the activities associated with it, are of historic, social, and scientific value at a state and possibly a national level.

Waters (2004:37) identifies a number of social values for the Aboriginal community associated with the high country such as that expressed by Ramsey Freeman:

'Cause up in the high country see you got all your native veg, which is them little red tomato things that grow in there, seeds and things like that. You got all your kangaroos and emus and possums and things like that. And you've got the Bogong moth in the spring, summer.

Ramsey Freeman (Waters 2004:62) sums up the social value of the high country for many in the Aboriginal community:

Well I think the Park is very special to Aboriginal people, mainly because they used to do all their hunting through there and collect all their food and different other things through there. So I think the Park is very significant to the Aboriginal people. You know it means a great deal to 'em for some of 'em to be involved in helpin', help manage the place.

There is clear intangible cultural significance within the Alpine Precinct identified through the previously recorded Aboriginal objects. The movement that occurred through the landscape of the Alpine Precinct is an integral part of the Aboriginal community identity and connection of current people to past ancestors and forms a large part of their cultural identity.

5.2 ARCHAEOLOGICAL VALUES

Technical studies for the Snowy Mountains SAP Master Plan began in 2020, with a final ACHAR produced in 2022 (OzArk 2022). This stated that future development within the Alpine Precinct will aim to avoid all known heritage items, and that further investigation would be required if development proposes to disturb land in unsurveyed areas. As future new development associated with the Snowy Mountains SAP is in the alpine resort areas of the Alpine Precinct where the landscape has already been developed, it is unlikely that there will be further impact to archaeological values within the resort areas.

A total of 64 Aboriginal objects are registered on the AHIMS register within the Alpine Precinct.

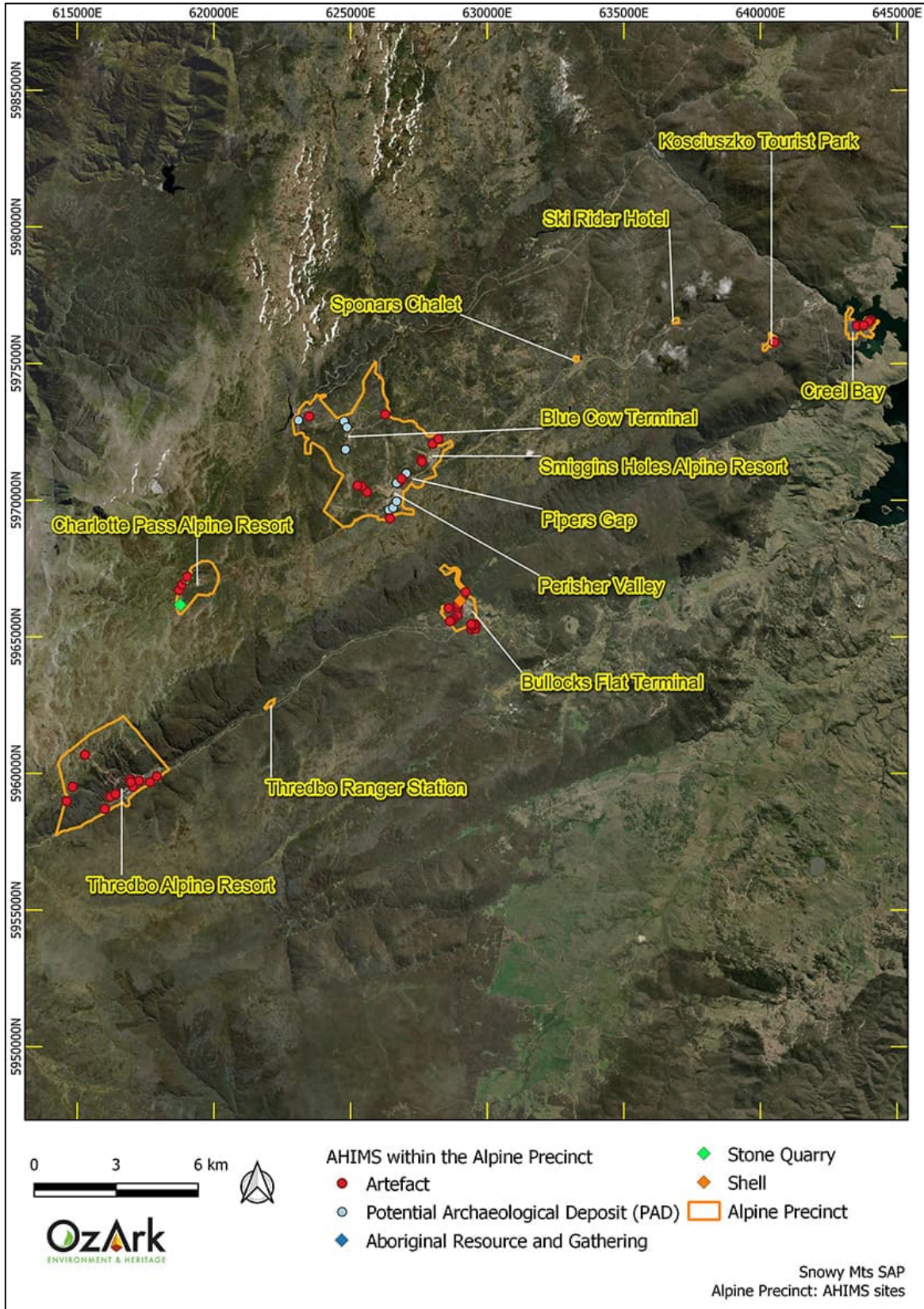
Table 5-1 outlines the details of valid Aboriginal objects inside the Alpine Precinct and **Figure 5-1** shows the location of these objects. AHIMS sites within individual precincts are shown on **Figure 6-1** to **Figure 6-10**. Several of these objects are recorded in locations that are modified landforms affected by construction of the resort areas, and it is unlikely that the objects remain in situ.

Table 5-1: Known Aboriginal objects within the Alpine Precinct

AHIMS Id	Site name	GDA East	GDA North	Description
Thredbo Alpine Resort				
61-3-0019	Bull Creek; Rutledges	628913	5965784	Artefact site
61-3-0021	Bogong Creek; No 1; Thredbo	614613	5958984	Artefact site
61-3-0024	Bogong Creek	614827	5959516	Artefact site
61-3-0026	Crackenback River 1; Tallangatta	629413	5965284	Artefact site
61-3-0027	Crackenback River 2; Tallangatta	629213	5966634	Artefact site
61-3-0028	Crackenback River 3; Tallangatta	629563	5965284	Artefact site
61-3-0029	Bullocks Flat to Thredbo 01	629463	5965384	Artefact site
61-3-0040	Site D	628913	5966084	Artefact site
61-3-0049	Crackenback Chairlift 1	615283	5960684	Artefact site
61-3-0065	Friday Flat IF-1	617663	5959684	Artefact site
61-3-0080	LTR2	629588	5965459	Artefact site
61-3-0081	LTR 1	629513	5965459	Artefact site
61-3-0082	LTR3	629413	5965464	Artefact site
61-3-0122	Thredbo Walking Track 5	628591	5966048	Artefact site
61-3-0123	Thredbo Walking Track 6	628930	5966184	Artefact site
61-3-0124	Thredbo Walking Track 7	629008	5966318	Shell site
61-3-0125	Thredbo Walking Track 8	628770	5965657	Artefact site
61-3-0126	Thredbo Walking Track 9	628706	5965584	Artefact site
61-3-0127	Thredbo Walking Track 10	628635	5965566	Artefact site
61-6-0081	Golf Course Extension	616013	5958704	Artefact site
61-6-0082	Merritts Park Nature Trail; Site 1	617043	5959514	Artefact site
61-6-0083	Merritts Park; Site 1	617263	5959734	Artefact site
61-6-0099	Ramshead Creek 1;	616213	5959144	Artefact site
61-6-0100	Ramshead Creek 2	616403	5959244	Artefact site
61-6-0103	EDI 1	616933	5959784	Artefact site
61-6-0104	Friday Flat 2	617913	5959894	Artefact site
61-6-0121	Merritts Creek 1	616963	5959684	Artefact site
Perisher Range Alpine Resorts				
61-3-0073	Perisher Blue 1	628003	5972064	Same site as 61-3-0076 Perisher Blue (PB) 1 (2). Artefact site
61-3-0074	The Perisher Range Test Location No.3	626813	5970684	Artefact site
61-3-0075	RC 1 (2)	626268	5973139	Artefact site
61-3-0076	Perisher Blue (PB) 1 (2)	628213	5972239	Same site as 61-3-0073 Perisher Blue 1. Artefact site
61-3-0093	PRTL2 Pipers Gap Slope	627039	5970980	Potential Archaeological Deposit (PAD)
61-3-0094	PRTL3 Mount Pier South Spurline	626687	5970628	Potential Archaeological Deposit (PAD)
61-3-0095	PRTL5 Blue Calf Pass	624817	5971850	Potential Archaeological Deposit (PAD)
61-3-0096	PRTL7 Blue Cow Saddle	624872	5972665	Potential Archaeological Deposit (PAD)
61-3-0097	PRTL8 – Guthega Dam	623094	5972925	Potential Archaeological Deposit (PAD)
61-3-0098	PRTL10 Perisher South, Rock Creek	626409	5969647	Potential Archaeological Deposit (PAD)
61-3-0099	PRTL11 Perisher South	626557	5969721	Potential Archaeological Deposit (PAD)
61-3-0100	Perisher Blue 3	625413	5970504	Artefact site

AHIMS Id	Site name	GDA East	GDA North	Description
61-3-0101	Perisher Blue 4	625253	5970534	Artefact site
61-3-0102	Perisher Blue Isolated Find 1	627573	5971484	Artefact site
61-3-0103	Perisher Blue Isolated Find 2	623493	5973064	Artefact site
61-3-0105	Mt Blue Cow PAD	624763	5972884	Artefact site
61-3-0106	Smiggin Holes Saddle	627613	5971409	Artefact site
61-3-0107	PRTL3	626863	5970784	Artefact site
61-3-0112	Perisher View PAD 1	626687	5969952	Potential Archaeological Deposit (PAD)
61-3-0113	Porcupine Walking Track	626443	5969334	Artefact site
62-1-0227	Perisher Blue 2	625603	5970294	Artefact site
Charlotte Pass				
61-3-0139	Charlotte Pass 1	618769	5966166	Stone quarry
61-3-0140	Charlotte Pass 2	618724	5966707	Artefact site
61-3-0141	Charlotte Pass 3	618832	5966914	Artefact site
61-3-0142	Charlotte Pass 4	618953	5967088	Artefact site
61-3-0143	Charlotte Pass 5	619031	5967163	Stone Quarry
61-3-0144	Charlotte Pass 6	619024	5967196	Artefact site
Other areas				
62-1-0016	Sawpit Creek; Sawpit Creek Camping Area	640512	5975784	Artefact site
62-1-0166	Waste Point Works Depot 1; Kosavsko National Park	644032	5976583	Artefact site
62-1-0167	Waste Point Works Depot 2; Kosavsko National Park	643962	5976533	Artefact site
62-1-0245	Wastepoint SU1	643524	5976379	Artefact site
62-1-0247	Wastepoint SU2	643773	5976392	Artefact site
62-1-0252	Wastepoint Resource Site 1	643464	5976369	Aboriginal Resource and Gathering site
62-1-0397	Creel Bay IF-1	644111	5976042	Artefact site
62-1-0398	Creel Bay IF-2	644034	5976079	Artefact site
62-1-0399	Creel Bay IF-3	643410	5976438	Artefact site
62-1-0400	Sawpit Creek IF-1	640227	5975642	Artefact site

Figure 5-1: Registered AHIMS locations within the Alpine Precinct



6 HERITAGE MANAGEMENT MEASURES

6.1 HERITAGE MANAGEMENT FRAMEWORK

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

The Alpine Precinct has been divided into five heritage management zones based on the archaeological potential of the landforms in the Precinct. The heritage management zones in the Alpine Precinct are shown on **Figure 6-1** to **Figure 6-10**.

The identified heritage management zones will determine the minimum level of assessment that will be required should development be proposed at a particular area. In general, development in landforms with high or moderate ACH potential and unsurveyed landforms will require a visual inspection to ensure Aboriginal objects are not harmed, or if they are likely to be harmed, appropriately managed. Development in zones identified as having low ACH potential or in areas with previous disturbance must apply due diligence to determine if Aboriginal objects are likely to be harmed. Depending on the nature of the landform and/or the level of previous disturbance this may not involve a visual inspection but the desktop aspects of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (Due Diligence Code of Practice) (DECCW 2010b), such as undertaking a search of the AHIMS register, will be undertaken.

Some further commentary on the Alpine Precinct heritage management zones is provided below.

6.1.1.1 *High ACH potential landforms*

This heritage management zone consists of landforms with a high potential for the presence of Aboriginal objects. The only landforms designated as having 'high potential' in the Alpine Precinct are either those areas where Aboriginal objects have been previously recorded or landforms that are flat, close to water, and near known Aboriginal objects. There are very limited areas of 'high ACH potential' within the Alpine Precinct.

The ACHAR (Ozark 2022) undertaken for the Snowy Mountains SAP did not identify Aboriginal objects or places of significance that would preclude development, however, further investigation, possibly including test excavation, would be required to confirm this.

There are several potential archaeological deposits (PADs) located within the high ACH potential heritage zone and these will require test excavation to ascertain the nature and extent of subsurface deposits.

6.1.1.2 *Moderate ACH potential landforms*

This heritage management zone is defined as landforms with a gentle gradient either close to a waterway or along an elevated landform such as a spur overlooking a waterway (OzArk 2022). There are limited areas of 'moderate ACH potential' within the Alpine Precinct, however, where these have been identified they are generally associated with waterways such as Perisher Creek. Several previously registered objects are present in landforms identified as having moderate ACH potential at Creel Bay, however, these are low density artefact scatters with a limited ability to provide further information.

Development with landforms identified as having moderate ACH potential will be informed by an impact assessment consisting of a visual inspection, and test excavation if necessary. The Aboriginal community should be involved in any assessments.

While there are no previously recorded PADs within landforms with moderate ACH potential, PADs may be identified in this heritage management zone and test excavation may be required to ascertain the nature and extent of subsurface deposits.

6.1.1.3 *Low ACH potential landforms*

This zone was defined as generally consisting of sloping landforms or elevated landforms distant to water (OzArk 2022). As a result of the survey for the Snowy Mountains SAP, it was determined that these landforms are unlikely to contain significant Aboriginal objects or archaeological deposits, although there is a potential for low-density artefact scatters or isolated finds to be present (OzArk 2022).

Any development in this zone should follow the Due Diligence Code of Practice. This assessment may involve a visual inspection and test excavation, if warranted.

6.1.1.4 *Disturbed land*

The overriding definition of 'disturbed land' in the Due Diligence Code of Practice, is landforms that have been modified in a clear and observable manner, either through earthworks or through construction of buildings or carparks. This would not necessarily include areas of erosion or land that has been disturbed through agricultural activity such as vegetation clearing, cultivation, or grazing. The definition of 'disturbed land' can only be relied on if it is obvious that previous disturbance has resulted in a situation where it is highly unlikely that Aboriginal objects will be present.

6.1.1.5 *Unsurveyed landforms*

Areas of the Alpine Precinct which have not been previously surveyed will follow the Due Diligence Code of Practice prior to any ground-disturbing works associated with a development.

The Due Diligence Code of Practice 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.

Responsibility to adhere to the requirement for due diligence would fall to the prospective developer on a land parcel by land parcel basis.

Application of the Due Diligence Code of Practice 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 development 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 an activity is defined as a 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 Alpine 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* (Code of Practice) (DECCW 2010c), and the development of an ACHAR.

Consultation with the Aboriginal community is not a requirement of the Due Diligence Code of Practice, however, open communication with the Aboriginal community is always recommended.

6.1.2 Common management measures in all zones

The following management will be applied to all heritage management zones:

- Registered Aboriginal objects will not be harmed by any development as they are protected under the Precincts–Regional SEPP and the NPW Act.
- If harm to an AHIMS site is necessary/unavoidable, then an AHIP will be required. This will include undertaking the ACHCRs, potentially additional survey following the Code of Practice (DECCW 2010c), and the development of an ACHAR

- If during works within the Alpine Precinct, a suspected Aboriginal object is identified, then the procedures outlined in **Section 6.5.2** and **Section 7.1.1** must be followed
- If during development within the Alpine Precinct, human skeletal remains are identified, then the procedures outlined in **Section 6.5.1** must be followed.

Figure 6-1: Heritage management zones within the Thredbo Alpine Resort.

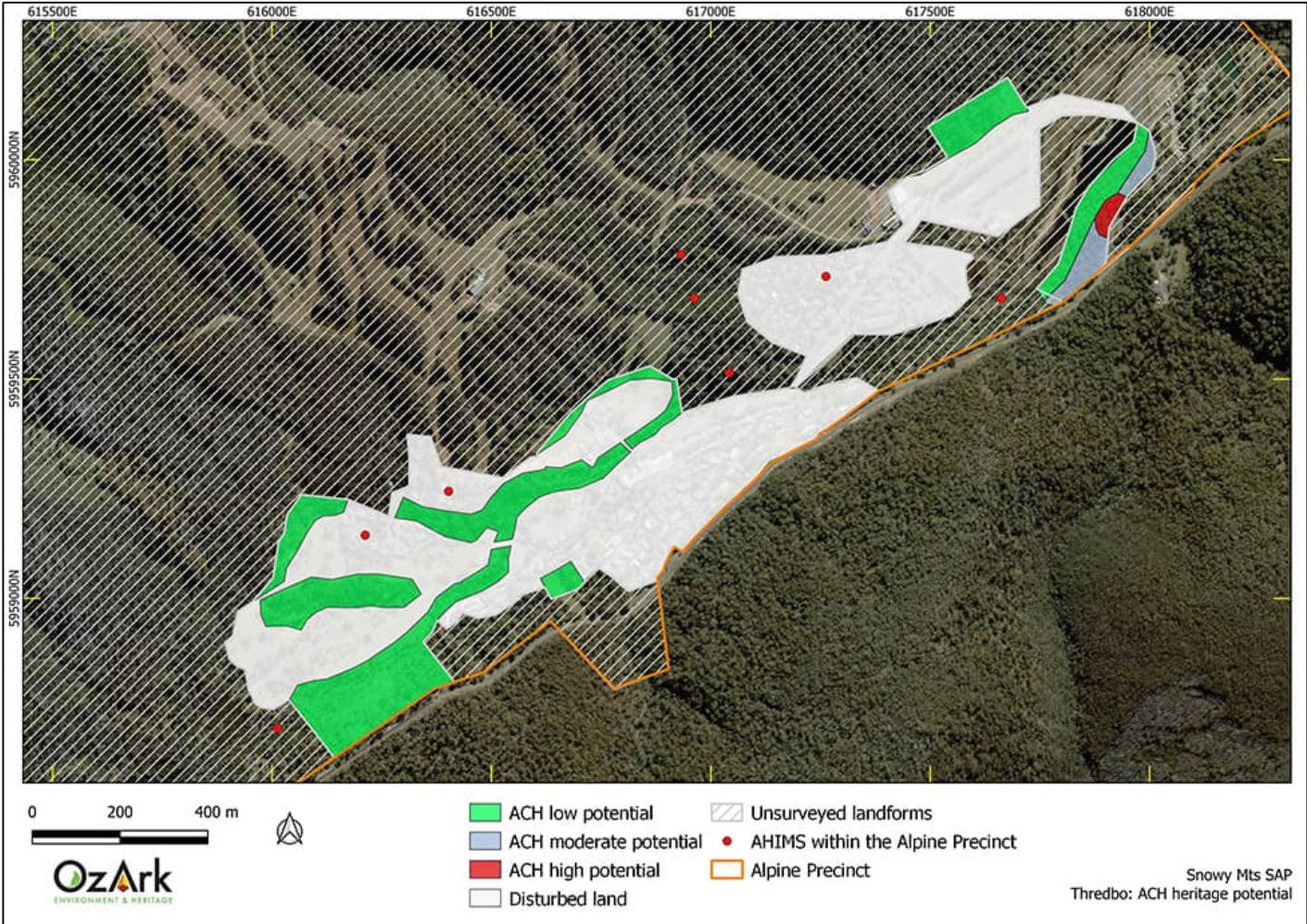


Figure 6-2: Heritage management zones within the Thredbo Ranger Station.



Figure 6-3: Heritage management zones within the Bullocks Flat Terminal.

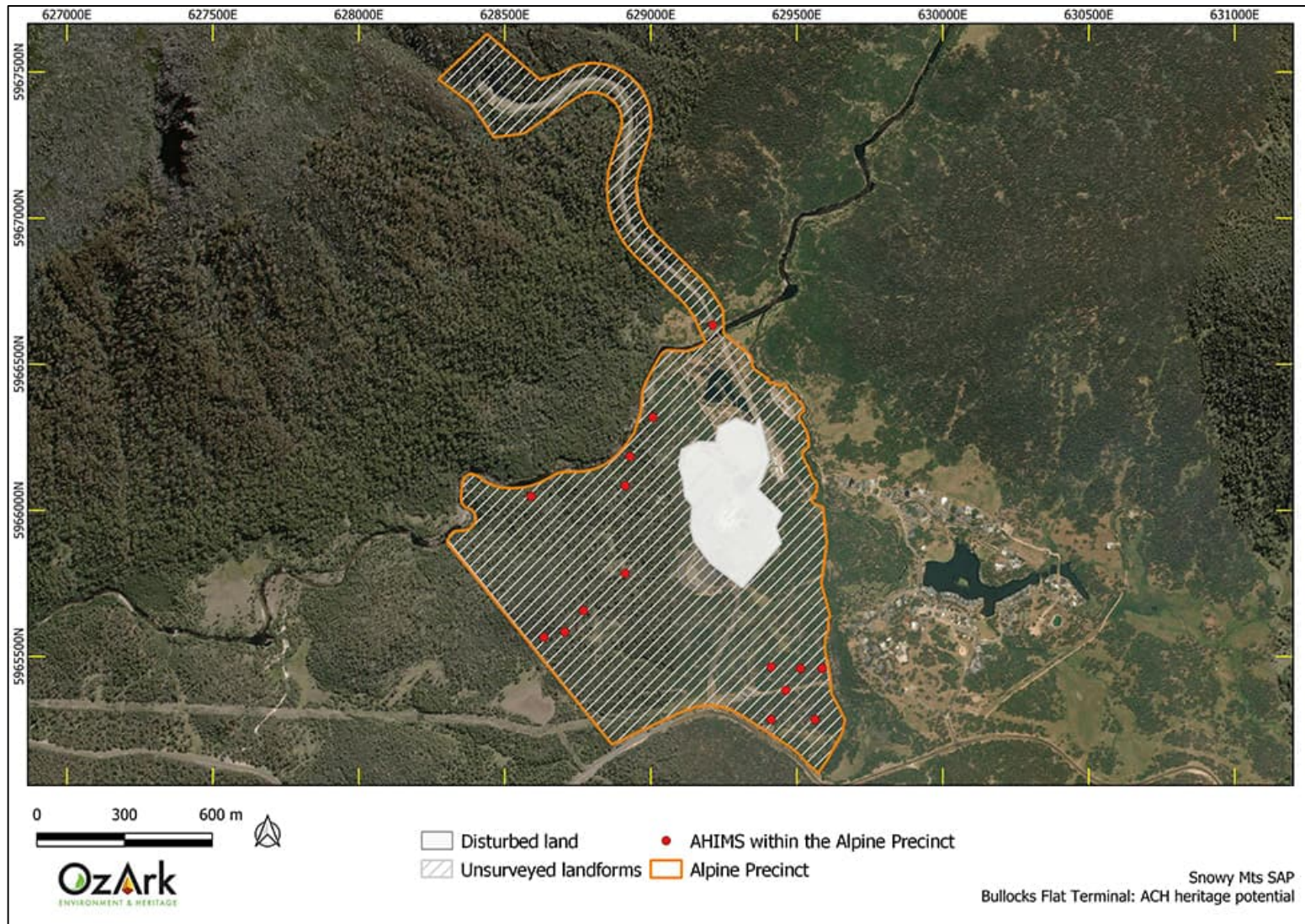


Figure 6-4: Heritage management zones within the Creel Bay area.

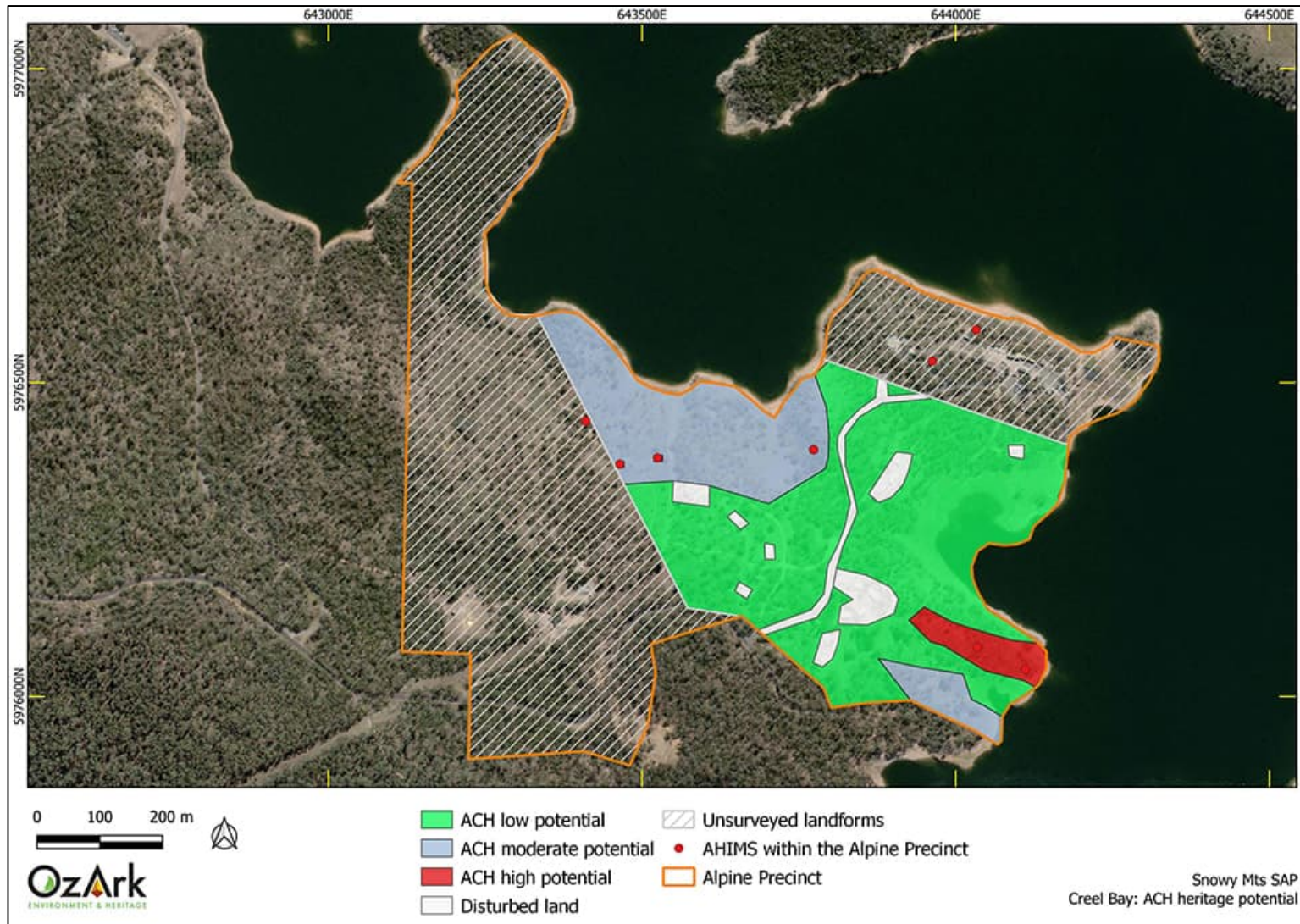


Figure 6-5: Heritage management zones within the Kosciusko Tourist Park.

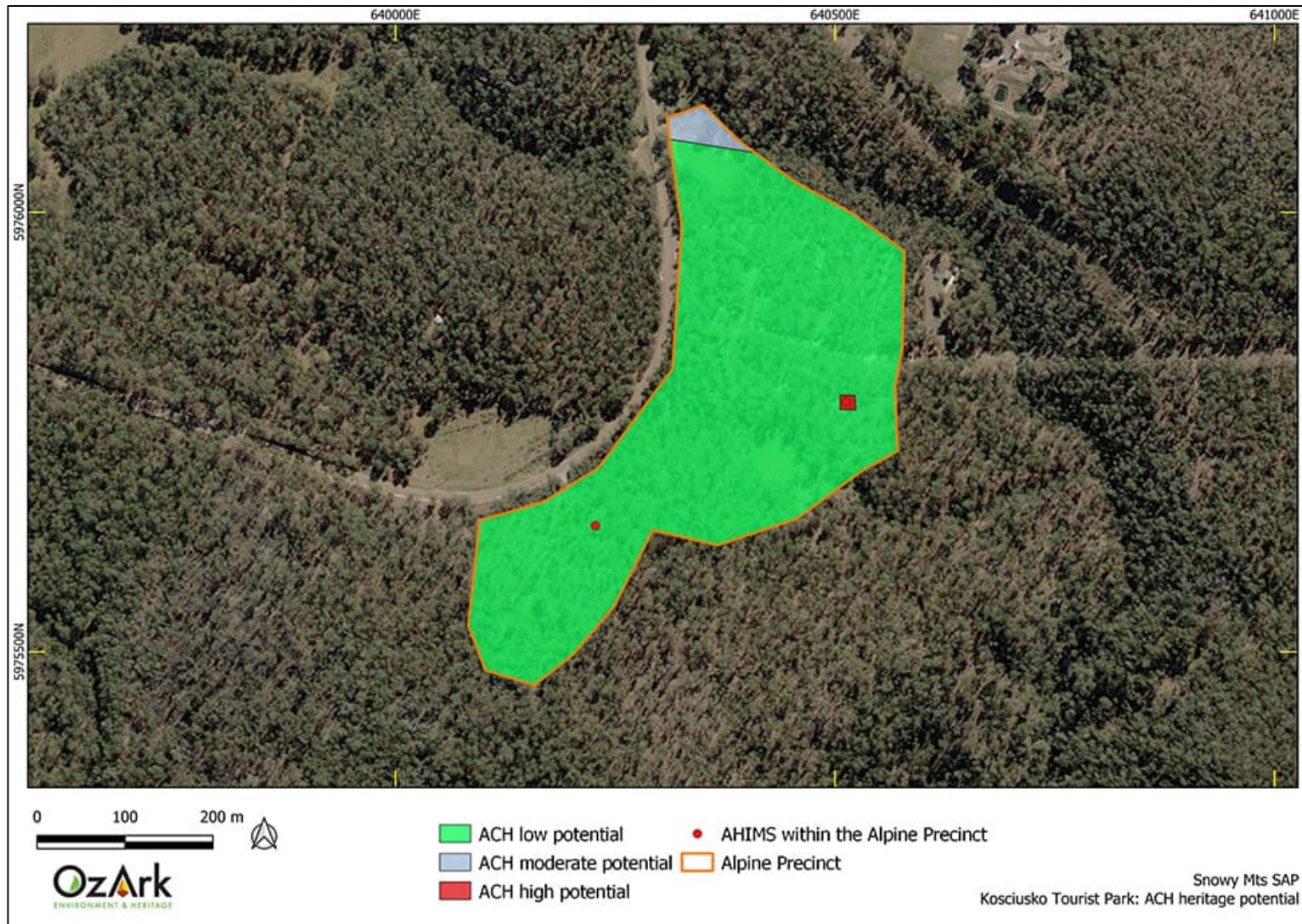


Figure 6-6: Heritage management zones within the Ski Rider Alpine Resort.



Figure 6-7: Heritage management zones within the Sponars Chalet Alpine Resort.



Figure 6-8: Heritage management zones within the Perisher Range area.

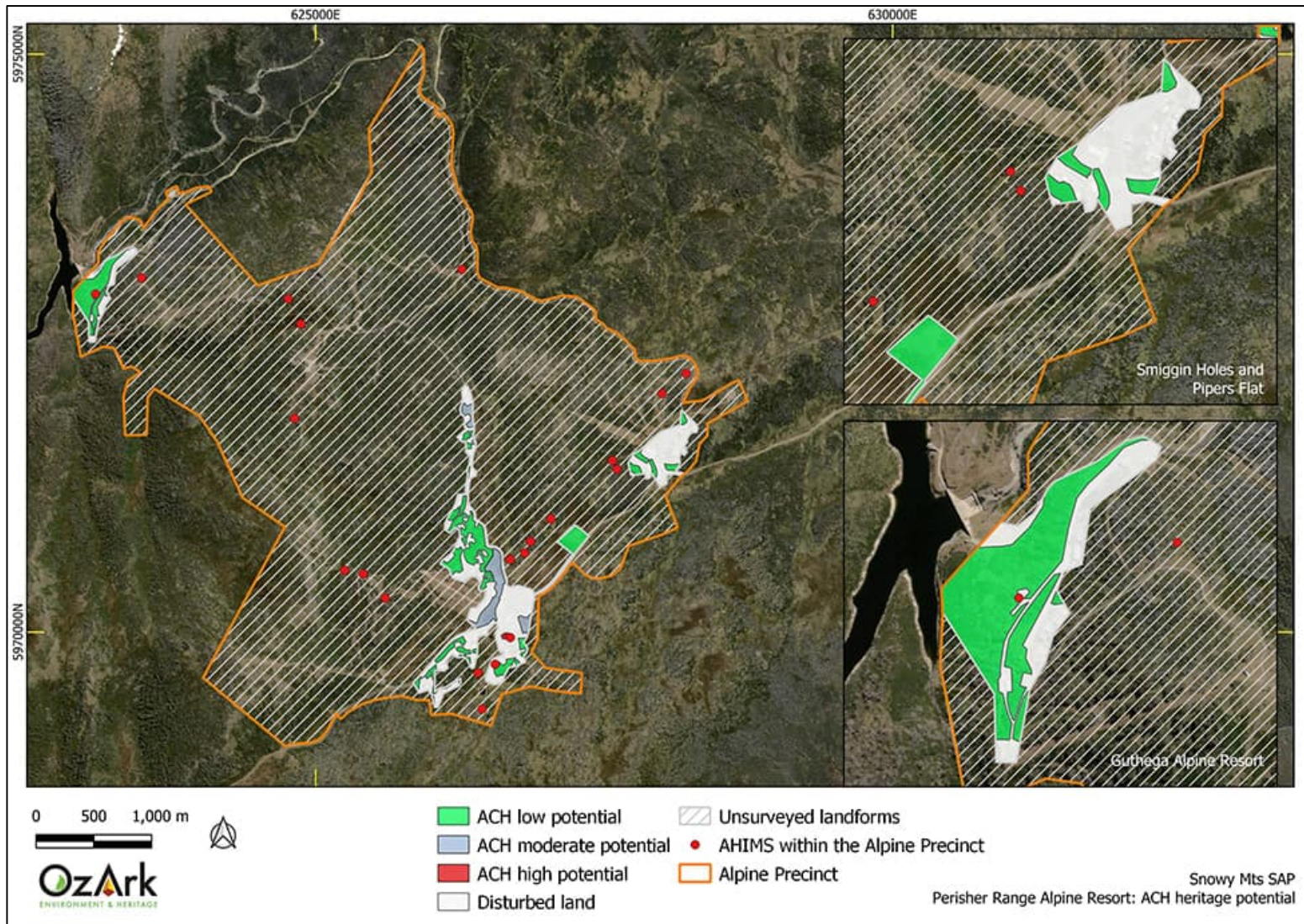


Figure 6-9: Heritage management zones within the Perisher Alpine Resort.

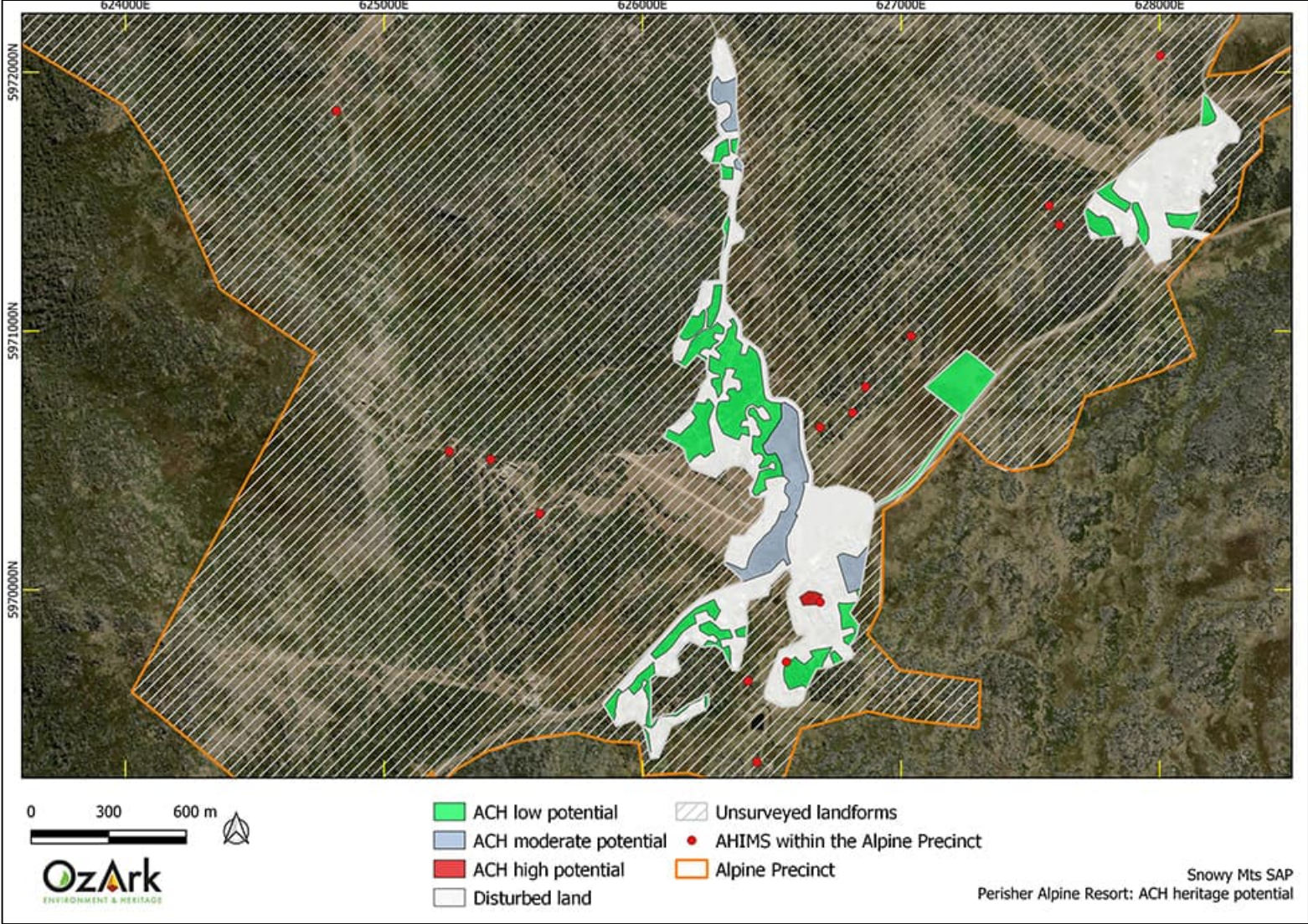
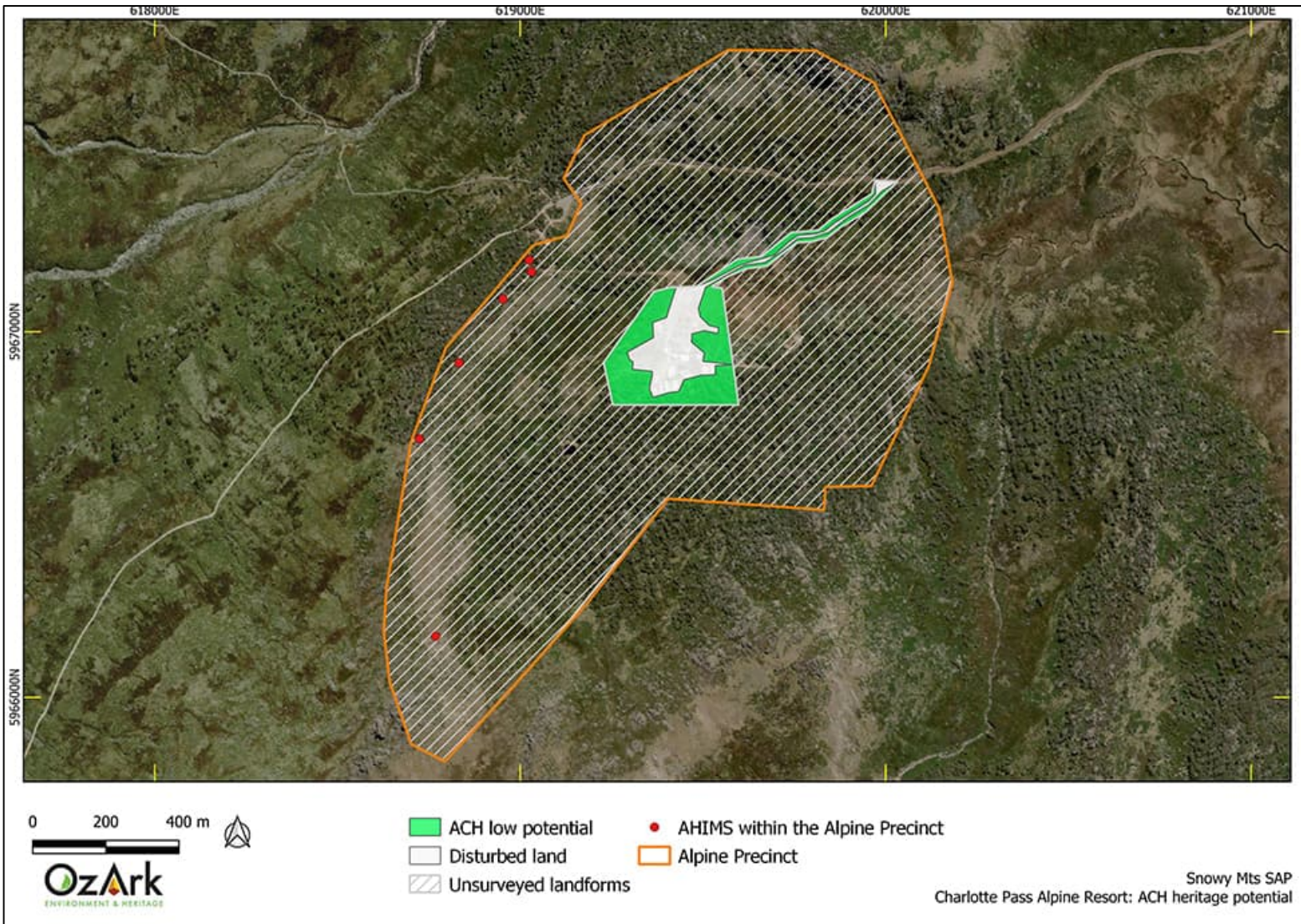


Figure 6-10: Heritage management zones within the Charlotte Pass Alpine Resort.



6.2 OBLIGATION TO PROTECT ALL CULTURAL HERITAGE

6.2.1 Obligation to avoid harm

All employees, contractors, sub-contractors, and visitors to the Alpine Precinct have an obligation to avoid harming Aboriginal 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'.

6.2.2 Obligation to protect

All personnel, contractors and subcontractors having responsibility for land management or construction inside the Alpine Precinct 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 6.3.1**), mitigation of erosion effects (**Section 6.3.5**), and/or modification of work plans to safeguard Aboriginal heritage such as changing design plans to avoid harm to known Aboriginal objects (**Section 6.3.3**).

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 site extents to ensure Aboriginal objects are protected.

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.

6.2.3 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 places and objects, as well as relevant processes for unanticipated finds or skeletal remains.

6.3 MEASURES TO PROTECT KNOWN ABORIGINAL OBJECTS

Measures to protect and manage Aboriginal objects within the Alpine Precinct are described in this section.

6.3.1 Identification of known heritage values

Known items, places, and areas of Aboriginal cultural heritage will be included as part of the environmentally sensitive areas map within the Precincts–Regional SEPP.

Known Aboriginal objects will be clearly marked on appropriate plans so inadvertent harm is avoided.

6.3.2 Development within the heritage management zones

The heritage management of each heritage management zone is detailed in **Table 6-1**.

Table 6-1: Alpine Precinct heritage management zones

Heritage zone	Heritage management
High ACH potential	Development within 'high ACH potential' areas will undertake an impact assessment. This assessment will include a visual inspection of the development impact area by an archaeologist and the Aboriginal community, and possibly test excavation, if warranted.
Moderate ACH potential	The nature of a development within 'moderate ACH potential' areas should inform the extent of further investigation. If a new development is likely to include significant ground disturbance (i.e. for building foundations, road construction, or extensive landscaping) or is likely to harm to mature native vegetation, an impact assessment will be undertaken following the Due Diligence Code of Practice that will include a visual inspection of the development impact area with the Aboriginal community.
Low ACH potential	Development within 'low ACH potential' areas will be assessed at a time when the impacts are known by following the appropriate assessment guidelines, currently the Due Diligence Code of Practice. This assessment may involve a visual inspection of the development impact area with the involvement of the Aboriginal community.
Disturbed land	Development on 'disturbed land' can generally proceed without further assessment, however, any development will first consider the likelihood for there being subsurface archaeological deposits present below areas of disturbed land and carry out test excavation if required. As Aboriginal objects are still possible in 'disturbed lands', work in these areas will follow an unanticipated finds protocol to manage the unlikely event that Aboriginal objects are noted during work.
Unsurveyed landforms	Development within unsurveyed landforms should be assessed at a time when the impacts are known by following the appropriate assessment guidelines, currently the Due Diligence Code of Practice. This assessment will likely involve a visual inspection of the development impact area and the involvement of the Aboriginal community.

6.3.3 Precinct design principals

Aboriginal culturally significant places and objects will be integrated with areas of environmental significance and green space (where appropriate) across the Alpine Precinct. This will continue to evolve as greening opportunities across the Alpine Precinct are established.

Areas of Aboriginal cultural heritage should not be developed. Development may only occur in these areas if avoidance is neither feasible nor reasonable and where further Aboriginal cultural heritage assessment will be undertaken to appropriately mitigate and manage any impacts to Aboriginal cultural heritage items, places, or areas. Any harm to known Aboriginal cultural heritage values will only be undertaken in consultation with the Snowy Mountains SAP RAPs.

6.3.4 Fencing

Where appropriate, fencing will be implemented as a measure to protect and manage Aboriginal objects.

Individual site fencing will be considered on a case-by-case basis with the desired outcome being the long-term preservation of the site. A site near a proposed development (i.e. within 10 m), will require fencing to identify its location and to protect it from inadvertent harm.

Fencing of Aboriginal objects, if required, will consist of sturdy, 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.

Fencing at any individually fenced Aboriginal objects 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 Aboriginal community representatives. Other management options may include reburial or relocation of artefacts (under appropriate permits), or strategic revegetation to protect an exposed site.

6.3.5 Erosion control

Erosion and sediment control, if required, 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 Aboriginal objects 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.

6.3.6 Bushfire hazard reduction

If clearing of excess fuel load is required near known Aboriginal objects, 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 can be avoided as much as is reasonable if it is necessary to create fire breaks.

6.3.7 Weed and feral animal control

Noxious weed control may occur in accordance with statutory requirements. Near Aboriginal objects, 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 areas containing known Aboriginal objects. Specialist advice will be sought to ensure that any feral animal control does not result in ground disturbance within areas containing known Aboriginal objects.

6.4 MEASURES TO MAKE ABORIGINAL HERITAGE ACCESSIBLE

The Snowy Mountains SAP Master Plan notes that a central aim is, where possible and suitable, for Aboriginal objects to be incorporated into the design of the public domain where they are publicly accessible and can be appreciated by all. The design of new development within the Alpine Precinct will consider the public accessibility of known Aboriginal objects.

6.4.1 Interpretation initiatives

The Master Plan outlines the interpretation potential of the Alpine Precinct through tourism experiences and activities to enhance broader understanding of Aboriginal culture and appreciation of Country through positive enjoyment.

Interpretation initiatives will be considered as part of objectives and controls in the DCP to inform wayfinding and signage opportunities.

Design guidance should consider how building design, siting, and materials could form part of a broader interpretation strategy, including consideration of Connection to Country and Return to Country.

6.5 UNANTICIPATED HERITAGE FINDS PROCEDURES

The following measures are relevant to all development within the Alpine Precinct.

6.5.1 Potential skeletal remains

If human/possible human skeletal material is exposed within the Alpine Precinct, it will be managed in accordance with legal requirements, and if it is Aboriginal ancestral remains, the wishes of the RAPs. Should human/possible human skeletal material (single bones or an intact burial) be located within any area:

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 Heritage NSW, in consultation with RAPs, will dictate the appropriate course of action.

6.5.2 Newly identified heritage items

Further Aboriginal objects may be recorded within the Alpine Precinct. 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 object:

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.
3. If the object is confirmed as Aboriginal, then the archaeologist, (in consultation with RAPs 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. 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 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 archaeologist alongside representatives from the local Aboriginal community. Testing would be undertaken in accordance with the Code of Practice. For

any Aboriginal objects impacted and/or salvaged, an *Aboriginal Site Impact Recording Form* (ASIRF) for each site is required.

7 RECORD KEEPING AND REPORTING REQUIREMENTS

7.1 STATUTORY REPORTING REQUIREMENTS

This section outlines the statutory reporting requirements associated with Aboriginal objects.

7.1.1 Discovery of Aboriginal objects

Under Section 89A of the NPW Act, the AHIMS Registrar must be 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. Refer to **Section 6.5.2** for the procedures related to newly discovered heritage objects.

7.1.2 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 Alpine Precinct, then Heritage NSW expects that information on authorised harm to Aboriginal objects be reported to them using an ASIRF.

Should any Aboriginal object be inadvertently harmed by development, the developer will report the incident to Heritage NSW as soon as practicable. The developer should maintain written records describing:

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

7.2 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.

8 PLANNING CONTROLS

The NPW Act protects Aboriginal objects and Aboriginal places in NSW. Aboriginal sites are widespread throughout NSW with considerable regional variation in the types of sites, their age, their contents and how they are situated in the landscape. Information on Aboriginal sites can be obtained from Heritage NSW (<https://www.environment.nsw.gov.au/topics/heritage>).

Planning controls instituted through the Alpine DCP will include:

- A. Identification of known heritage values
 - i. Known items, places, and areas of Aboriginal cultural heritage will be included as part of the environmentally sensitive areas map within the DCP.
 - ii. Known Aboriginal objects will be clearly marked on appropriate Precinct plans so that inadvertent harm is avoided.
 - iii. A known Aboriginal site must not be harmed without an approved Aboriginal Heritage Impact Permit (AHIP)
- B. Precinct design principals
 - i. Aboriginal culturally significant places and sites will be integrated with areas of environmental significance and green space (where appropriate). This will continue to evolve as greening opportunities are established.
 - ii. Areas of known Aboriginal cultural heritage should not be developed. Development may only occur in these areas if avoidance is neither feasible nor reasonable and where further Aboriginal cultural heritage assessment will be undertaken to appropriately mitigate and manage any impacts to Aboriginal cultural heritage items, places, or areas. Any harm to known Aboriginal cultural heritage values will require an AHIP issued by Heritage NSW under the NPW Act.
- C. The location of a development in relation to a heritage management zone will determine the nature of further assessment required. If a development is included in one of the following management zones, further investigation will include:
 - i. High ACH potential - Development within 'high ACH potential' areas will undertake an impact assessment. This assessment will include a visual inspection of the development impact area by an archaeologist and the Aboriginal community, and possibly test excavation, if warranted.
 - ii. Moderate ACH potential - The nature of a development within 'moderate ACH potential' areas should inform the extent of further investigation. If a new development is likely to include significant ground disturbance (i.e. for building foundations, road construction, or extensive landscaping) or is likely to harm to mature native vegetation, an impact assessment will be undertaken following the Due Diligence Code of Practice that will include a visual inspection of the development impact area with the Aboriginal community.

- iii. Low ACH potential - Development within 'low ACH potential' areas will be assessed at a time when the impacts are known by following the appropriate assessment guidelines, currently the Due Diligence Code of Practice. This assessment may involve a visual inspection of the development impact area with the involvement of the Aboriginal community.
- iv. Disturbed land - Development on 'disturbed land' can generally proceed without further assessment, however, any development will first consider the likelihood for there being subsurface archaeological deposits present below areas of disturbed land and carry out test excavation if required. As Aboriginal objects are still possible in 'disturbed lands', work in these areas will follow an unanticipated finds protocol to manage the unlikely event that Aboriginal objects are noted during work.
- v. Unsurveyed landforms - Development within unsurveyed landforms should be assessed at a time when the impacts are known by following the appropriate assessment guidelines, currently the Due Diligence Code of Practice. This assessment will likely involve a visual inspection of the development impact area and the involvement of the Aboriginal community.

D. Fencing

- i. Where appropriate, fencing will be implemented as a measure to protect and manage Aboriginal cultural sites.
- ii. Individual site fencing will be considered on a case-by-case basis with the desired outcome being the long-term preservation of the site. A site near a proposed development (i.e. within 10 m), will require fencing to identify its location and to protect it from inadvertent harm.
- iii. Fencing at sites, if required, will consist of sturdy, 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.
- iv. 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.
- v. Fencing may be omitted or removed if it brings undesired attention or otherwise increases the risk of damage to the site.

E. Erosion control

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

iii. Should erosion control take place near a known Aboriginal site, the following principles will be followed:

- a) 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
- b) Natural regeneration of vegetation in an area will be encouraged to return it to as near as possible its original form
- c) 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.

F. Bushfire hazard reduction

- i. 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.

G. Measures to make Aboriginal heritage accessible

- i. Where possible and suitable, Aboriginal sites will be incorporated into the design of the public domain where they are publicly accessible and can be appreciated by all.

H. Interpretation initiatives

- i. To assist with the public access and understanding of the long Aboriginal association with the Snowy Mountains SAP area, Aboriginal cultural items such as artistic design or names will be incorporated into wayfinding signage and/or interpretive panels. Interpretation initiatives should include consultation with the Aboriginal community members, and if reasonably available, employ Aboriginal community members to design signage motifs and other elements for use around the Alpine Precinct.
- ii. Design guidance should consider how building design, siting, and materials could form part of a broader interpretation strategy, including consideration of Connection to Country and Return to Country.

I. Unanticipated heritage finds procedures

- i. This Plan contains suitable measures are relevant to all development within the Alpine Precinct for the appropriate management of new discoveries (**Section 6.5**).

9 DOCUMENT INFORMATION

9.1 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

9.2 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.

DECCW 2010a	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.
Donaldson 2021	Donaldson, S.D. 2021, <i>Snowy Mountains Special Activation Precinct (SAP) Preliminary Aboriginal Cultural Values Assessment</i> . A report for WSP Australia Pty Limited.
DPE 2022	Department of Planning and Environment 2022, <i>Snowy Mountains Special Activation Precinct Master Plan</i> .
ICOMOS 2013	Australian ICOMOS 2013, <i>The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance, 2013</i> , Australia ICOMOS Incorporated.
NPWS 2006	NSW National Parks and Wildlife Service. <i>2006 Plan of Management. Kosciuszko National Park</i> .
NSW LALC 2022	New South Wales Aboriginal Land Council 2022, <i>Eden LALC</i> .
OzArk 2022	OzArk Environment & Heritage 2022, <i>Revised Aboriginal Cultural Heritage Assessment Report - Snowy Mountains Special Activation Precinct</i> , Report to the Department of Planning and Environment.
Waters 2004	Kate Waters. <i>Aboriginal Oral History Project. Kosciuszko National Park</i> . Report for NPWS.

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