

# Declared Aboriginal Places

Guidelines for Developing  
Management Plans



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Rock carving, Bulgandry Aboriginal Site (Photo: John Yurasek/OEH)

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Office of Environment and Heritage  
10 Valentine Avenue Parramatta NSW 2150  
Locked Bag 5020, Parramatta NSW 2124

Report heritage and Aboriginal cultural heritage incidents  
Environment Line: 131 555 (NSW only) or [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au)  
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Email: [info@environment.nsw.gov.au](mailto:info@environment.nsw.gov.au)

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# Definitions

**Aboriginal Heritage Information Management System (AHIMS)** – AHIMS contains information and records about Aboriginal objects that have been reported to the Director General of the Department of Premier and Cabinet. It also contains information about Aboriginal places which have been declared by the Minister to have special significance for Aboriginal culture.

**Aboriginal Heritage Impact Permit (AHIP)** – an AHIP is the statutory instrument that the Office of Environment and Heritage (OEH) issues under section 90 of the *National Parks and Wildlife Act 1974* (NPW Act) to manage harm or potential harm to Aboriginal objects and places.

**Conservation works** – works that assist in retaining the cultural significance of a place or object, and are undertaken to prevent further deterioration and potential loss of cultural significance. Examples include fencing, restoration, signage and adaptive reuse.

**Cultural values** – the cultural significance of landscapes, places, objects, customs and traditions (and their contexts) that communities have inherited from the past and wish to conserve for current and future generations. These values can relate to physical or 'tangible' sites, places and objects; and 'intangible' cultural practices associated with those landscapes, sites, places and objects, and include traditional, historical and contemporary associations of people with heritage places. Natural elements of the environment may also have cultural meanings and values.

**Gazettal** – official public notification through a notice in the NSW Government Gazette – visit [www.nsw.gov.au/gazette](http://www.nsw.gov.au/gazette)

**OEH information agreement** – a standardised legal agreement made to protect the privacy of information provided to Office of Environment and Heritage (OEH) related to information or cultural knowledge obtained during heritage research.

**Section 161 notice** – section 161 of the *National Parks and Wildlife Act 1974* enables information about Aboriginal places, objects and culture to be withheld – or kept confidential – in the public interest. A notice under section 161 allows the Director General to say that specified information relating to the cultural values of an Aboriginal Place should be withheld in the public interest.

# 1. Introduction

Declaring Aboriginal Places is a way of recognising and legally protecting Aboriginal cultural heritage. Any land in NSW that is deemed to have special significance for Aboriginal culture, including public and private land, can be declared as an Aboriginal Place.

The Office of Environment and Heritage (OEH) has an ongoing program of assessing and recommending the declaration and gazettal of areas as Aboriginal Places throughout NSW. These declarations are a conservation tool and advance the recognition, protection and understanding of Aboriginal cultural values throughout NSW.

The protective benefits of declaration can be augmented by using other tools such as listing on the State Heritage Register and conservation agreements under Part 4 of the *National Parks and Wildlife Act 1974*.

The Aboriginal Places Policy (OEH 2011a) sets out the process for assessing and declaring Aboriginal Places, and includes a requirement to provide guidance on assessment and management planning.

This guideline provides guidance on developing management plans for declared or proposed Aboriginal Places.

The benefits of management planning for Aboriginal Places include:

- ensuring Aboriginal cultural values are recognised in regulatory and planning processes
- clarifying management roles and better allocation of resources, leading to more effective management and conservation outcomes
- more effective risk management through considering hazards in advance
- management plans that can be used in some cases to bid for funding for projects or tasks from private and government sources
- opportunities for the community to engage in conservation, and site protection and management, including through intergenerational transfer of culture and economic opportunities where appropriate.

# 2. Aims

The development of management plans for declared Aboriginal Places:

- promotes long-term protection of the cultural values of places
- enables Aboriginal communities to manage the cultural values of areas that hold special significance for them
- enables Aboriginal communities to discuss issues and reach agreements with land holders about site protection
- improves regulatory and management outcomes for communities.

OEH aims to:

- work with stakeholders to develop management plans for all declared or proposed Aboriginal Places
- assist stakeholders to implement management plans to conserve cultural places and values
- uphold mutual respect between all stakeholders in the plan making process

- assist in the completion of management plans building on the information gathered during the assessment process
- where management plans are not completed before gazettal, they will be completed as soon as practicable and preferably within 12 months of gazettal.

### 3. Elements of a Management Plan

A formal management plan for a declared Aboriginal Place should maintain, conserve and protect cultural values. If the Aboriginal Place is already subject to an appropriate formal management arrangement such as a plan of management prepared under the *Local Government Act 1993*, there is usually no need to develop a separate management plan. However, these existing plans should be updated when the Aboriginal Place is gazetted, or within 12 months of gazettal, to account for all relevant information and community input, and to ensure best practice is being undertaken consistent with these guidelines.

Draft management plans, or modified and updated existing plans, may be developed and agreed to in principle before declaration, providing this does not unnecessarily delay the declaration of an Aboriginal Place. The assessment process provides a good opportunity to gather and organise all the important information required, and to gain agreement about management responsibilities.

Where they exist, management plans may become active on gazettal of the Aboriginal Place. Where a management plan does not exist, and where resources permit, it is desirable that a plan be developed within 12 months of gazettal. Information that forms part of agreed management plans may form part of gazettal notices of Aboriginal Place declarations, and these notices should indicate where management plans and statements of significance can be obtained.

OEH recognises that management plans will vary for each Aboriginal Place depending on land tenure, current uses of the land and Aboriginal community aspirations regarding the declared area. However, management plans should include the following elements:

1. A statement of cultural values of the Aboriginal Place, including whether it is a men's or women's site.
2. Threats to the place, an assessment of risk of harm and ways in which significant threats will be treated.
3. Other uses of the area i.e. recreational, economic
4. Appropriate fire regimes.
5. Activities that may require Aboriginal Heritage Impact Permits issued under Part 6 of the *National Parks and Wildlife Act 1974*, and maps of where these activities are authorised under a permit.
6. The treatment of culturally sensitive information in accordance with a section 161 notice.
7. Ongoing management actions, who is responsible for doing them, and what consultation arrangements are needed.
8. A process for periodic monitoring and recording of Aboriginal Place site conditions.
9. Funding and resources.

Several of these elements need to be included in written form in the assessment process, and can then be used to develop the management plan. A step-by-step guide to developing a management plan comprises section 5 of this guideline.

## 4. Management plan development questions and answers

### Are Aboriginal Place Management Plans required?

OEH policy is that formal Aboriginal Place management plans should be developed in accordance with these guidelines, unless an equivalent formal site-based management plan already covers the same area. Pre-existing plans should be amended to meet the requirements set out in this guideline.

For new Aboriginal Place proposals, the development of management plans will assist with protection and management. The cultural values that Aboriginal Places acknowledge and conserve can be protected through a management plan made with the cooperation of all stakeholders.

### Who is responsible for making these Management Plans?

The landowner/land manager or occupier, OEH and the Aboriginal community are responsible for developing an agreed management plan together. Such a plan recognises that the landowner/land manager or occupier will usually continue to manage the site, OEH will coordinate the process because it administers the Aboriginal Place Program, and the input of the Aboriginal community associated with the site will be needed to protect the cultural values involved.

### What if a private landowner does not want to be involved in making Management Plans?

OEH and the Aboriginal community can develop an interim management plan that focuses on practical steps to access and monitor the site, protect the identified values, and raise public awareness about the importance of the site to Aboriginal culture. The preferred outcome is that over time, private land holders can become involved in management planning. Resources will be made available by OEH.

### Who approves Management Plans?

As Aboriginal Place declaration by the Minister is administered through OEH, all management plans require endorsement by OEH. On completion or following review, Aboriginal Place Management Plans should be endorsed by the Executive Director of Heritage Division as meeting the *OEH Guidelines for Developing Management Plans for Declared Aboriginal Places*. Aboriginal Place Management Plans developed for, or in conjunction with, plans of management for the parks estate will require specific endorsement by OEH as part of the National Parks and Wildlife Act plan of management process.

### Are Management Plans public documents?

OEH will retain a copy of each approved management plan or agreement on the Aboriginal Heritage Information Management System and in Content Manager, and useful information from the plan or agreement can be made publicly available providing this does not breach privacy provisions or involve the release of culturally sensitive information. Aboriginal communities can inform OEH of which sections of management plans must not be made

publicly available. Providing information about some issues, for example, basic maps and what an Aboriginal Heritage Impact Permit (AHIP) in the area will or will not usually be granted for, can benefit both Aboriginal communities and potential AHIP applicants.

## **Is OEH support available for developing Management Plans?**

OEH will support the preparation of management plans for places on private property. Relevant government agencies will also be encouraged to provide technical and financial assistance for the development of plans or agreements, as appropriate.

## **Is OEH support available for ongoing management of Aboriginal Places based on approved Management Plans?**

OEH will advise the Aboriginal community and landowners/land managers or occupiers on, and support them in, the ongoing management of an Aboriginal Place, based on the management plan for the site. An approved management plan may be used as the basis of applications for grant funding from a range of state, Commonwealth and private sources.

## **Who should be sent copies of Management Plans?**

Although most plans will be available online, all stakeholders, the local government and OEH should receive a printed copy of the management plan.

## **When should Management Plans be reviewed?**

Plans should be reviewed every five years. Plans can be reviewed before five years have passed, as indicated by a management plan itself, or as needed.

# **5. Twelve steps for developing a Management Plan for a declared Aboriginal Place**

The 12 stages or steps in completing a management plan are listed below. Each step is then explained in more detail.

1. Define and meet with the relevant stakeholders and affected parties.
2. Prepare a general statement of management.
3. Prepare a statement of cultural/natural values of the Aboriginal Place.
4. Identify the Aboriginal community's management goals.
5. Identify the types of activities that may harm the Aboriginal Place and the associated cultural values.
6. Identify what values, objects and areas must be conserved.
7. Identify what works and ongoing management activities are required and timeframes for implementation.
8. Identify how site condition reporting will be managed.
9. Identify other matters that may need to be negotiated between all identified groups.
10. Define ways in which culturally sensitive information will be treated.

11. List and prioritise the works required. Where tied funding is available for conservation projects, note how the funds will be used to meet the aims set out in the general statement of management.
12. List contacts.

## **Step 1. Define and meet with the relevant stakeholders and affected parties**

Identify all the stakeholders and affected parties who will be involved in managing the Aboriginal Place. Record contact details for future reference. Document the roles and interest of the stakeholders in relation to the Aboriginal Place.

The relevant stakeholders could include (but not limited to):

- Aboriginal community members
- native title holders
- Aboriginal Elders
- landowners
- representatives from Local Aboriginal Land Councils, local councils and government agencies
- neighbours to the proposed Aboriginal place, service providers
- land manager or occupier responsible for managing the place
- any other person or organisation having a legitimate interest, legal or otherwise, in the possible declaration of the place.

Consider arranging a facilitated meeting to discuss the management options available.

Within Office of Environment and Heritage (OEH), Regional Operations officers involved with planning and administering the Aboriginal Heritage Impact Permit (AHIP) process are key internal contacts and should be engaged as early as possible when developing a management approach for an Aboriginal site.

### **Who completes this step?**

OEH staff and the land holder should define and record details of stakeholders and affected parties.

OEH will work with private landowners where an Aboriginal Place is declared and will facilitate the development of management plans on private lands.

## **Step 2. Prepare a general statement of management**

A general statement of management provides a summary of an Aboriginal community's vision for the management of a gazetted or proposed Aboriginal Place. A copy of the OEH declaration letter, or a draft of the intended letter, and a map of the Aboriginal Place should be attached as an appendix in the Management Plan.

### **Who completes this step?**

The Aboriginal community associated with the site should be actively involved in developing the statement, which will then be included in the Aboriginal Place's management plan.

This process can be commenced when discussing an Aboriginal Place proposal, to ensure issues such as gender and other cultural requirements of the Aboriginal Place are addressed.

### **Examples of general statements of management that could be used in an Aboriginal Place Management Plan**

These statements are provided as examples. They are general and can be included in management plans as needed, depending on the particular circumstances and features of the Aboriginal Place.

1. Non-invasive Aboriginal Regional Assessments, and anthropological, archaeological and historical research into past Aboriginal use of the area, will be encouraged and supported. However, if the area is recognised as being of spiritual value, no invasive work should be permitted.
2. Aboriginal sites and objects in the Aboriginal Place will be identified, conserved, recorded and managed in accordance with their significance. Any Aboriginal sites and objects of potential Aboriginal heritage significance discovered within the boundaries of the Aboriginal Place will be reported to OEH staff (see section 89A of the *National Parks and Wildlife Act 1974*) and recorded in the Aboriginal Heritage Information Management System, and the condition of known sites and objects will be monitored.
3. The risk of harming Aboriginal objects and places should be minimised wherever possible. Any proposed invasive work should be considered on a case by case basis.
4. Aboriginal knowledge gathered by OEH will be respected and protected.
5. All day-to-day and longer-term management decision making and implementation of works and other activities should be made with reference to the developed management plan: no action should be taken if it would have any adverse impact on the significance of the place.
6. Resolution of any conflicts regarding management and change should give priority to Aboriginal cultural values.
7. The local Aboriginal community should continue to be encouraged to visit the place to continue cultural and spiritual practices, through informal or legal agreements with landowners/land holders/occupiers. Permission of the landowner to access the land should be obtained along with conditions such as roles and responsibilities in controlling, accessing and using the land.
8. OEH will enable Aboriginal communities to determine the level of information on the Aboriginal Place that is to be made available, such as location, stories and significance, as well as whether or not signs are to be erected on the site or place.
9. The stakeholder and landowners will take steps to mitigate the harm to Aboriginal Places which may be caused by animals.
10. Actions designed to ensure continuity of cultural practices should be encouraged, such as replanting bush foods, retaining vegetation of high cultural value, and integrating cultural and natural heritage considered during land use planning.
11. Landscape restoration programs should account for potential impacts on Aboriginal objects. The use of culturally significant plants in revegetation projects should be encouraged.
12. Surface archaeological surveys that may be required should be undertaken by an archaeologist or Aboriginal Cultural Heritage Officer who is sensitive to Aboriginal issues and can work closely with the local Aboriginal community, and as set out in the Code of practice for archaeological investigation of Aboriginal objects in NSW (OEH 2011b). Acts carried out in accordance with this code do not require an Aboriginal Heritage Impact Permit.

13. Increase public awareness of the existence of the Aboriginal Place and the significance of the particular place.
14. Stakeholders and landowners will be encouraged to consider the need for buffer zones around specific, sensitive sites within the Aboriginal Place. Intangible values should be taken into account in managing the place, including impacts on the curtilage.
15. Traditional, contemporary and post-contact stories, knowledge and management practices should influence ways in which the land is managed and used.
16. Economic use of the place, within limits agreed by stakeholders, may be aligned with supporting the cultural significance of the place.
17. Moveable objects of cultural significance will be conserved in situ wherever possible. If objects are moved, they should be moved in accordance with an Aboriginal Heritage Impact Permit, assessed for significance under the *Heritage Act 1977* and professionally recorded, collected and stored.

### **Step 3. Prepare or refer to Statement of Special Significance of the Aboriginal Place**

The statement of special significance prepared for assessment of the Place is a plain language statement about the cultural importance and values of the place. In addition, a confidential version of this statement can be made if this is considered necessary.

#### **Who completes this step?**

The Aboriginal community associated with the site completes this step with the Listings Officer during the assessment process.

#### **About the statement of special significance**

The statement should refer to:

- the Aboriginal objects and Aboriginal cultural landscape features on the site
- any historical value – a settlement or an event including one-off events of significance such as the birth of an important Aboriginal person or formation of an important Aboriginal organisation
- any activities that occurred at the place, such as ceremonies or teaching
- any spiritual beings and spiritual stories associated with the place
- any pre- or post-contact stories associated with the place
- any continuing cultural use of the place.

The statement must also state:

- the cultural meanings that are associated with those elements
- the significance that the proposed place has because of those cultural meanings.

When thinking of the wording for the statement, it may also help to ask the following questions:

- What values is the statement trying to recognise and protect?
- Why do these values need to be recognised and protected?
- Why are these values valuable?
- What makes them special?

## Example of statements of special significance

Below are examples of some statements of special significance:

- The place was the site of an Aboriginal settlement [insert nature of settlement and why it was valued].
- The place is a resource-rich environment that provided Aboriginal people with [insert resource details and details of the historical or traditional period].
- The place was the location of [insert historically important event: political action/massacre/cultural event].
- The place is the birthplace of [insert name of historically important individual].
- The place contains Aboriginal burials [insert details including whether the burials are historical or traditional, and contain known individuals or unknown ancestors].
- The place includes a traditional story site [insert nature of story].
- The place includes landscape features with cultural value for their association with stories or spiritual beings [insert details of feature and associated story or being].
- The place was a ceremonial site used for [insert type of ceremony].
- The place contains [insert physical object description] which are of cultural value for their association with [ceremonies/spiritual stories/resource activities/teaching].
- The place continues to be used for cultural purposes [insert description of teaching/ceremonies/resource gathering].
- The place continues to be used for teaching children about Aboriginal culture.
- The place includes extensive Aboriginal cultural material important for teaching current and future generations about Aboriginal culture.
- Aboriginal people continue to visit the place to maintain their connection with it and to pass on knowledge of its significance to others.

## Step 4. Identify the Aboriginal community's management goals

Based on the statements from the first three steps, identify the short-term, medium-term and long-term management goals of the Aboriginal community who have an association with the Aboriginal Place.

### Who completes this step?

This identification should be carried out by the Aboriginal community and OEH, and will form part of the Aboriginal Place's management plan.

**Table 1** Examples of management goals and timeframes

Examples of management goals	Timeframe
Prevent harm to middens from grazing animals	Date, Year.
Revegetate the region with native plants that are of significance to the Aboriginal community	Date, Year

## Step 5. Identify the types of activities that may harm the Aboriginal Place

The declaration of an Aboriginal Place aims to conserve the 'special significance with respect to Aboriginal culture' of that place. Management plans are not legally determinative in relation to the need for an AHIP, but should contain information about the cultural values and the types of activities that need to be avoided in order to conserve the special significance of the site.

**OEH ROG officers should be consulted in relation to the need or appropriateness of obtaining an AHIP in relation to activities.**

At this step, include relevant, site specific examples of:

- actions that are consistent with the values of the place (e.g. interpretive signage, raised boardwalks in a defined location, maintenance of existing infrastructure, or trivial and negligible impact activities, depending on the site and values).
- actions that would harm the place and would need an AHIP, but may be acceptable in certain situations and with certain controls, e.g. building visitor facilities; environmental rehabilitation works; works close to middens, rock art and significant Aboriginal objects; depending on the site and community values
- harmful actions for which OEH would be likely to refuse to recommend the issue of an AHIP.

To increase legal clarity, AHIPs can be applied for in relation to activities on Aboriginal Places. Relevant sections of endorsed Aboriginal Place Management Plans can be appended as conditions of AHIPs.

### Who completes this step?

This step should be completed by the Aboriginal community associated with the site and OEH.

### Definition of harm

Harm to an Aboriginal object or place is defined in the *National Parks and Wildlife Act 1974* (NPW Act) to include any act or omission that destroys, defaces or damages an Aboriginal object or place or causes or permits the object or place to be destroyed, defaced or damaged. Harm to an Aboriginal Place is an offence under the NPW Act unless the harm was authorised by an Aboriginal Heritage Impact Permit (AHIP).

The application and consultation process for an AHIP is explained in more detail in *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW, 2010). Statements by the Aboriginal community about cultural values and the types of activities that would damage the cultural significance of the place will be taken into account in deciding whether to grant an AHIP, and the conditions attached to it (see *Aboriginal cultural heritage consultation requirements for proponents 2010*).

### Exemptions

There are exemptions to the strict liability offence of harming an Aboriginal Place when the relevant activity:

- relates to Aboriginal people 'carrying out traditional cultural activities (except commercial activities)' (section 87B of the *National Parks and Wildlife Act 1974*)

- was required to conserve or protect an Aboriginal object or place and was carried out by a OEH officer or a person under the direction of that officer (section 87Aa of the *National Parks and Wildlife Act 1974*)
- was required or permitted under a conservation agreement entered into under Division 12 of Part 4 of the NPW Act (section 87A of the *National Parks and Wildlife Act 1974*)
- was authorised by or under the *State Emergency and Rescue Management Act 1989* for an emergency within the meaning of that Act, and the act was reasonably necessary to avoid an actual or imminent threat to life or property (section 87Ac of the *National Parks and Wildlife Act 1974*)
- was any emergency fire-fighting act or bush fire hazard reduction work (planned hazard reduction work should be taking into account impacts on Aboriginal heritage sites via the HR certificate) within the meaning of the *Rural Fires Act 1997* that is authorised or required to be carried out under that Act (section S87Ab of the *National Parks and Wildlife Act 1974*)
- has a trivial or negligible impact (*Lester v Ashton Coal Pty Ltd NSWLEC*). This case concerned a physical impact to a site.

### Examples of values and activities that could harm them

General examples of activities that may, depending on the circumstances, constitute harm to an Aboriginal Place are listed in Table 2 (note that this list is not exhaustive). Some actions may require formal environmental assessment such as an environmental impact assessment or a review of environmental factors, or conservation risk assessment before they would be permitted, and would need an AHIP application. Some activities may be subject to the exemptions from AHIPs in some situations. Table 2 is provided as a general guide only.

If in doubt about a specific activity or situation, contact the OEH Environment Line on 131 555.

**Table 2 Activities that could harm an Aboriginal Place**

Element of significance of the Aboriginal Place	Examples of activities that could harm an Aboriginal Place	Will physical harm occur? Is the activity consistent with the cultural values of the Aboriginal Place? Under what conditions could it be consistent, if any?
Places with land forms associated with stories, rituals or spiritual values	Removing trees that contribute to the special significance of the site	
	Developing or maintaining roads or pathways	
	Constructing dwellings	
	Fire and managing fire	
	Ploughing farm land	
	Mining, quarrying	
	Collecting bush rock Recreational activities such as: • bushwalking	

Element of significance of the Aboriginal Place	Examples of activities that could harm an Aboriginal Place	Will physical harm occur? Is the activity consistent with the cultural values of the Aboriginal Place? Under what conditions could it be consistent, if any?
	<ul style="list-style-type: none"> <li>• motorbike riding</li> <li>• rock climbing</li> <li>• four-wheel driving.</li> </ul>	
	Damming, pumping and diverging waterways	
Places associated with ceremonies, such as law rings, birthing places, meeting grounds	Removing soil to level ground or to plough for farming	
	Moving, relocating or collecting objects Damming, pumping and diverging waterways	
	Mining, quarrying, exploration licences	
	Collecting bush rock	
Places associated with intergenerational teaching, to pass on knowledge to young people	Major landscape changes to the place such as: <ul style="list-style-type: none"> <li>• clearing trees</li> <li>• quarrying</li> <li>• mining</li> </ul>	
	Farmers ploughing land for crops	
	Destroying trees that were used for medicine and food and that are used for passing on knowledge	
Places associated with important historical events: <ul style="list-style-type: none"> <li>• massacre or battle sites</li> <li>• major political actions</li> <li>• formation of important organisations</li> <li>• births of specific historically or culturally important people</li> </ul>	Most major landscape changes to the place such as: <ul style="list-style-type: none"> <li>• clearing trees</li> <li>• quarrying</li> <li>• mineral exploration</li> </ul>	
	The moving or collecting of objects	

Element of significance of the Aboriginal Place	Examples of activities that could harm an Aboriginal Place	Will physical harm occur? Is the activity consistent with the cultural values of the Aboriginal Place? Under what conditions could it be consistent, if any?
Places that were traditional or historical camp sites or settlements, such as: <ul style="list-style-type: none"> <li>• camping grounds</li> <li>• missions</li> <li>• reserves</li> <li>• travelling stock route camps</li> <li>• station camps</li> </ul>	Most major landscape changes to the place such as: <ul style="list-style-type: none"> <li>• clearing trees</li> <li>• quarrying</li> <li>• mineral exploration</li> </ul>	
	Removing Aboriginal objects	
	Vandalism	
	In the case of water holes, the inappropriate use by farmers or campers	
Burial grounds, cemeteries or burial places of known ancestors	Most major landscape changes to the place such as: <ul style="list-style-type: none"> <li>• clearing trees</li> <li>• quarrying</li> <li>• mineral exploration</li> </ul>	
	Human interference (vandalism or pilfering)	
	Moving or collecting objects	
	Collecting bush rock  Erosion	
Places that include rare or significant collections of Aboriginal objects: <ul style="list-style-type: none"> <li>• carved trees</li> <li>• scarred trees</li> <li>• grinding grooves</li> <li>• fish traps</li> <li>• ochre or stone extraction sites</li> <li>• tool making sites</li> </ul>	Most major landscape changes to the place such as: <ul style="list-style-type: none"> <li>• clearing trees</li> <li>• quarrying</li> <li>• mineral exploration</li> </ul>	
	Moving or collecting objects	
	Clearing or burning trees	

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Element of significance of the Aboriginal Place	Examples of activities that could harm an Aboriginal Place	Will physical harm occur? Is the activity consistent with the cultural values of the Aboriginal Place? Under what conditions could it be consistent, if any?
<ul style="list-style-type: none"> <li>• rock art</li> <li>• middens</li> <li>• ceremonial rings</li> <li>• stone arrangements.</li> </ul>	Timber harvesting	
	Collecting bush rock Collecting shells	
	Vandalism	
	Infrastructure development	
	Visitors to the place interfering with the object, e.g. touching it	
	Using scarred trees as fence posts	
	Trees felled or interfered with, even with a permit to fell them Water impacts	
Rock art	Smoke from fire damaging rock paintings	
	Physical contact	
	Unauthorised and unqualified people trying to: <ul style="list-style-type: none"> <li>• repaint rock paintings</li> <li>• carve scar trees</li> <li>• highlight grinding grooves</li> </ul>	
	Deliberate interference through: <ul style="list-style-type: none"> <li>• retouching figures</li> <li>• adding graffiti</li> <li>• stirring dust deposits</li> </ul> Water impacts	

## Step 6. Identify what values, objects and areas must be conserved

Based on previous steps develop:

- General management protocols, which should be agreed on by all those involved in developing the management plan – these should set out ways in which the Aboriginal Place will be managed, including inspection, carrying out the identified management strategies, monitoring, providing any interpretive information and policy statements, and fulfilling required consultation.
- Risk mitigation measures to prevent harm to objects in the Aboriginal Place and the place itself – these could include public safety measures such as installing pathways.
- Site-specific cultural values management statements for values, objects and areas to be conserved – include photos and maps where necessary.

All the above strategies should be based on the land tenure and current management arrangements (e.g. private land, land reserved under the *National Parks and Wildlife Act 1974*, other public land, and Aboriginal private land), the Aboriginal community's management goals, and the risk of harm to values, objects and areas.

### Who completes this step?

This step should be completed by the Aboriginal community associated with the site and OEH.

### Examples of general management protocols

Examples of management protocols are:

- every 12 months a field survey of the place will be undertaken and the condition of the place recorded
- the landowner will notify the Aboriginal community or OEH when the landowner is undertaking work near the place even if the activity is included in the management plan, and once the activity is completed, will conduct an inspection for any harm to the place
- an agreed approach to risk management will be adhered to
- the stakeholders will meet at least twice a year to review the operation of the management plan, and consider recommending amendments to the plan to OEH.

### Examples of risk management

Some examples of risk management measures include:

- undertaking cultural and heritage assessments before undertaking works through the relevant Aboriginal Heritage Impact Permit process
- including an exclusion or buffer zone for activities that could harm the place – this can be temporarily marked during works and removed once completed
- consulting and involving the local Aboriginal community, relevant Elders, individuals and Local Aboriginal Land Councils
- fencing to prevent damage to sites by animals and people
- managing fire to prevent large fires
- educating people on the significance of the place and safe practices

- using an appropriate management plan to recover eroded or exposed sites, avoiding activities that will disturb the subsurface
- not removing or collecting physical material unless authorised
- planting vegetation to stabilise the ground to prevent further erosion while not harming any burials
- ensuring the site is only disturbed when authorised by the police or OEH
- treating discovered remains with respect and dignity at all times, and following relevant legal requirements
- relocating existing roads and pathways when possible to prevent harm to the place
- routinely monitoring or inspecting sites for harm to the Aboriginal Place, such as gradual changes to the landscape (erosion).

### Examples of site-specific cultural value management statements

Site-specific cultural value management statements will depend on the goals of management, identified activities that may harm the Aboriginal Place and the cultural values of the Aboriginal Place. Examples of site-specific statements are listed in Table 3 below.

**Table 3 Examples of site-specific cultural value management statements**

Cultural value or special significance of the Aboriginal Place	Examples of site-specific cultural value management statements
Places with landforms associated with stories, rituals or spiritual values	<ul style="list-style-type: none"> <li>• Aboriginal communities and relevant stakeholders will work together to develop a management plan that will conserve and protect the cultural values of the landform.</li> <li>• Stakeholders and landowners will strive to conserve the spiritual values of the place by formulating a management plan to conserve and protect the environmental and cultural values of the Aboriginal Place.</li> <li>• Landowners will recognise the ongoing role of the Aboriginal Place as a meeting place and the significance of the place in stories.</li> <li>• Continuing access for Aboriginal people to the place will be encouraged to conserve its special significance.</li> <li>• Stakeholders and owners will work to prevent large scale landscape changes to the Aboriginal Place, to conserve the ritual and spiritual values of the landform.</li> <li>• The erection of fences to protect the Aboriginal Place will be encouraged where appropriate.</li> <li>• Stakeholders and landowners will handle culturally sensitive information with respect and according to the customs of the relevant Aboriginal community regarding places such as gendered places and secret sacred places.</li> <li>• The development of infrastructure will only be undertaken under an Aboriginal Heritage Impact Permit unless it will not result in harm to the Aboriginal Place or is exempted under the <i>National Parks and Wildlife Act 1974</i>.</li> <li>• Roads and pathways will be redirected to stop the disturbance of sites.</li> <li>• Stakeholders and landowners should keep the natural surrounds as they are (e.g. water flows), especially if they contribute to the cultural significance of the place.</li> </ul>

<p>Places associated with ceremonies such as law rings, birthing places and meeting grounds</p>	<ul style="list-style-type: none"> <li>• Stakeholders and landowners will handle culturally sensitive information with respect and according to the wishes of the relevant Aboriginal community regarding places such as gendered places and secret sacred places.</li> <li>• Stakeholders, landowners and Aboriginal communities will work to conserve the cultural values of the place.</li> <li>• Continuing access for Aboriginal people to the Aboriginal Place will be encouraged to conserve its special significance.</li> <li>• The development of infrastructure will only be undertaken under the authorisation of an Aboriginal Heritage Impact Permit unless it will not result in harm to the place or is exempted under the <i>National Parks and Wildlife Act 1974</i>.</li> <li>• Roads and pathways will be redirected to stop harm to sites.</li> <li>• Continued access to traditional/contemporary resources (e.g. food, ochre or plants), which are important for cultural purposes such as ceremonies or simply in their own right, will be permitted.</li> <li>• Stakeholders and landowners are encouraged to allow ceremonies to be reintroduced to places where they used to be performed.</li> </ul>
<p>Places associated with intergenerational teaching, to pass on knowledge to young people</p>	<ul style="list-style-type: none"> <li>• Stakeholders and landowners will be encouraged to respect the connection of Aboriginal people to culturally significant places and the need for the connection to Country to allow for the passing on of traditional knowledge.</li> <li>• Stakeholders and landowners will be encouraged to permit Aboriginal people to access these places and continue to use these places.</li> <li>• The ongoing role of the Aboriginal Place as a teaching site will be recognised and respected.</li> <li>• Culturally sensitive information will be handled with respect, and, when dealing with places such as gendered places and secret sacred places, according to the wishes of the relevant Aboriginal community.</li> </ul>
<p>Places associated with important historical events;</p> <ul style="list-style-type: none"> <li>• massacre or battle sites</li> <li>• major political actions</li> <li>• formation of important organisations</li> <li>• births of specific historically or culturally important people</li> </ul>	<ul style="list-style-type: none"> <li>• The establishment of memorials to signify the importance of the place will be encouraged.</li> <li>• Culturally sensitive information will be handled with respect when dealing with places such as gendered places and secret sacred places, according to the wishes of the relevant Aboriginal community.</li> <li>• The education of the local community of the significance of the place will be encouraged.</li> <li>• The development of infrastructure will only be undertaken under the authorisation of an Aboriginal Heritage Impact Permit unless it will not result in harm to the Aboriginal Place or is exempted under the <i>National Parks and Wildlife Act 1974</i>.</li> </ul>
<p>Places that were traditional or historical camp sites or settlements such as:</p> <ul style="list-style-type: none"> <li>• camping grounds</li> <li>• missions</li> <li>• reserves</li> <li>• travelling stock</li> </ul>	<ul style="list-style-type: none"> <li>• Culturally sensitive information will be handled with respect, and, when dealing with places such as gendered places and secret sacred places, according to the wishes of the relevant Aboriginal community.</li> <li>• Access for Aboriginal people to Aboriginal Places will be encouraged to conserve their special significance and cultural values.</li> <li>• Roads and pathways will be redirected to stop the disturbance of sites.</li> </ul>

<ul style="list-style-type: none"> <li>• route camps</li> <li>• station camps</li> </ul>	
<p>Burial grounds, cemeteries or burial places of known ancestors</p>	<ul style="list-style-type: none"> <li>• Culturally sensitive knowledge of the location of burials will be handled with respect, and according to the wishes of the relevant Aboriginal community.</li> <li>• Known burial sites or cemeteries should remain undisturbed. Eroded or exposed sites that need to be recovered should be covered by a proper management plan.</li> <li>• If further erosion needs to be prevented by planting vegetation to stabilise the ground, the vegetation must not harm the burial site.</li> <li>• The site is to remain strictly confidential and must not be harmed, unless authorised under an Aboriginal Heritage Impact Permit.</li> <li>• Discovered remains should be treated with respect and dignity at all times.</li> <li>• Activities causing disturbances to burial sites in Aboriginal Places must be only undertaken in accordance with the conditions of an Aboriginal Heritage Impact Permit.</li> <li>• The repatriation of remains or the recovering of uncovered remains in the Aboriginal Place should be undertaken with the consultation and guidance of the local Aboriginal community, relevant Elders, Local Aboriginal Land Councils, landowners and stakeholders.</li> <li>• Roads and pathways will be, as far as practicable, redirected to stop sites being harmed.</li> </ul>
<p>Places that include rare or significant collections of Aboriginal objects:</p> <ul style="list-style-type: none"> <li>• carved trees</li> <li>• scarred trees</li> <li>• grinding grooves</li> <li>• fish traps</li> <li>• ochre or stone extraction sites</li> <li>• tool making sites</li> <li>• middens</li> <li>• ceremonial rings</li> <li>• stone arrangements.</li> </ul>	<ul style="list-style-type: none"> <li>• Rare or significant collections of Aboriginal objects should remain undisturbed.</li> <li>• Further and continued research into places containing Aboriginal objects will be encouraged, unless such objects are on burial or ceremonial sites.</li> <li>• Culturally sensitive information will be handled with respect, and, when dealing with places such as gendered places and secret sacred places, according to the wishes of the relevant Aboriginal community.</li> <li>• Trees will only be removed following a site assessment. Work will be monitored while it is been undertaken and once completed, to ensure it meets the requirements of the Aboriginal Heritage Impact Permit and any other legal requirements.</li> <li>• Visitors to the Aboriginal Place will be encouraged to show respect for and cultural sensitivity to Aboriginal objects by not physically touching or removing them.</li> <li>• Objects will only be removed by OEH or by a person working for OEH to conserve or protect an Aboriginal object or place or Aboriginal people carrying out traditional cultural activities, except commercial activities.</li> <li>• Roads and pathways will be redirected to stop sites being disturbed.</li> <li>• The use of traditional knowledge to rebuild places such as stone arrangements and fish traps that have fallen into disrepair will be encouraged.</li> </ul>
<p>Rock art</p>	<ul style="list-style-type: none"> <li>• Further and continued research into places containing Aboriginal rock art and engravings will be encouraged, unless objects are on burial or ceremonial sites.</li> <li>• Culturally sensitive information will be handled with respect, and, when dealing with places such as gendered places and secret sacred places, according to the wishes of the relevant Aboriginal community.</li> <li>• The location of rock art is to remain confidential unless otherwise authorised by the Aboriginal community.</li> </ul>

	<ul style="list-style-type: none"> <li>• Relevant local Aboriginal people (knowledge holders) or OEH authorised staff will be allowed to perform activities such as highlighting as long as these are undertaken for conservation purposes including the passing of knowledge, and maintaining ongoing cultural associations and practices.</li> <li>• Visitors to rock art sites will be encouraged to show cultural sensitivity and respect by not physically touching them or interfering with them in any way.</li> <li>• Fences and protective cages will be erected to stop human and animal interference where appropriate.</li> </ul>
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## Step 7. Identify what works and ongoing management activities are required

Based on the previous steps, identify the short, medium and long-term works to protect values and manage risks, and specify ways in which works will be carried out and who is responsible for them.

Table 4 provides examples of ongoing works.

### Who completes this step?

This step should be completed by the Aboriginal community associated with the site, OEH and the land holder.

**Table 4 Example of an ongoing works table**

Type of work to be undertaken	Specify ways in which works will be undertaken	The timeframe for the work to be completed: short-term, medium-term, long-term?	Who is responsible for completing the work?
Demolition/excavation/repairs			
Moving objects			
New development			
Signage			
Fencing			
Planting or removing trees			
Fire management and back burning			
Hazard reduction			

## **Step 8. Identify how site condition reporting will be managed**

Set out the aspects of site condition that are key to conserving the significance of the site. Nominate and agreed rating scale or descriptors to measure and record an assessment of the site's condition at regular intervals.

### **Who is responsible for completing this step?**

This step should be completed by the Aboriginal community associated with the site, OEH and the land holder.

## **Step 9. Identify other matters that may need to be negotiated between all identified groups**

Document any recommendations on 'site specific' issues that are agreed to in the plan and identify ways in which all stakeholders and affected parties will recognise the management plan as part of their own planning processes. For larger Aboriginal Places, natural resource management decisions may need to be made. Notes to the gazettal notice may be added to publicly record the continued use of the area for specified purposes.

### **Who is responsible for completing this step?**

This step should be completed by the Aboriginal community associated with the site, OEH and the land holder.

## **Step 10. Define ways in which culturally sensitive information will be treated.**

Some information collected for the management plan may be sensitive, such as the location of burial sites, and should not be disclosed if there is a risk of damage to, or loss of, the items or sites. Culturally sensitive information provided to OEH for the purpose of documenting Aboriginal Places may need to be kept confidential.

Some parts of a management plan or a proposal for Aboriginal Place declaration may be kept confidential to protect culturally sensitive information in accordance with a section 161 notice under the *National Parks and Wildlife Act 1974* or OEH information agreement.

This section of the management plan should indicate ways in which culturally sensitive information is being treated, for example, parts of the plan are confidential, some information is held by OEH in confidence, or some information is subject to signed legal non-disclosure agreements.

### **Who completes this step?**

The Aboriginal community completes this step with input from OEH.

## **Step 11. Explain how any tied funding for conservation projects through grants will be used**

OEH will advise and support the Aboriginal community and landowners/land managers, where possible, in the ongoing management of an Aboriginal Place. This support will be based on those factors identified in the previous steps and outlined in the Management Plan for the site.

An approved management plan may be used as the basis of applications for grant funding from a range of state, Commonwealth and private sources, such as the Aboriginal Heritage Grant Program administered by OEH.

The Management Plan should outline any funding or resources that may be available and how these funds will be used. The Management Plan needs to be based on known available resources and account for potential additional funding where appropriate.

### **Who completes this step?**

The Aboriginal community and land holder complete this step.

## **Step 12. List contacts**

Provide details of training providers, relevant OEH, NSW government or Commonwealth level contacts, and any other contact who could play any part in the process.

### **Who completes this step?**

This step should be completed by the Aboriginal community associated with the site, OEH and the land holder.

## References

Department of Environment, Climate Change and Water (DECCW) 2010, *Aboriginal cultural heritage consultation requirements for proponents 2010*, see [www.alc.org.au/media/43239/1004%20deccw%20community%20consultation%20requirements.pdf](http://www.alc.org.au/media/43239/1004%20deccw%20community%20consultation%20requirements.pdf).

Office of Environment and Heritage (OEH) 2011a, *Aboriginal Places Policy*, see [www.environment.nsw.gov.au/resources/conservation/110608Abplacespolicy.pdf](http://www.environment.nsw.gov.au/resources/conservation/110608Abplacespolicy.pdf).

Office of Environment and Heritage (OEH) 2011b, *Code of practice for archaeological investigation of Aboriginal objects in NSW*, see [www.environment.nsw.gov.au/licences/archinvestigations.htm](http://www.environment.nsw.gov.au/licences/archinvestigations.htm).

For more information on:

- Aboriginal Places, see [www.environment.nsw.gov.au/conservation/AboriginalPlacesNSW.htm](http://www.environment.nsw.gov.au/conservation/AboriginalPlacesNSW.htm)
- land management, see [www.environment.nsw.gov.au/nswcultureheritage/almf.htm](http://www.environment.nsw.gov.au/nswcultureheritage/almf.htm)
- Aboriginal Heritage Impact Permits (AHIPs), see [www.environment.nsw.gov.au/licences/Section87Section90.htm](http://www.environment.nsw.gov.au/licences/Section87Section90.htm)