



**NGH**

# **Aboriginal Cultural Heritage Management Sub-Plan**

**Jindabyne Education Campus**

November 2022

**Project Number: 22-437**



## Document verification

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# Table of contents

<b>Acronyms, abbreviations and definitions .....</b>	<b>iii</b>
<b>1. Introduction.....</b>	<b>1</b>
1.1 Context .....	1
1.2 Environmental Management Strategic Framework.....	1
<b>2. Purpose and Objectives .....</b>	<b>3</b>
2.1 Purpose and Objectives .....	3
2.2 Targets .....	3
<b>3. Environmental Requirements .....</b>	<b>4</b>
3.1 Legislative and Other Environmental Management Requirements .....	4
3.2 Permits and licences.....	4
3.3 Development Consent .....	4
<b>4. Consultation for the ACHMSP.....</b>	<b>12</b>
<b>5. Existing Heritage .....</b>	<b>14</b>
<b>6. Heritage Mapping.....</b>	<b>16</b>
<b>7. Heritage Control Measures .....</b>	<b>17</b>
7.1 Temporary/short term storage of artefacts .....	23
7.2 Long term management and relocation of salvaged artefacts .....	23
7.3 Ground disturbance protocol.....	24
7.4 Heritage site status database.....	25
7.5 Protection and delineation of Aboriginal heritage sites .....	25
7.6 Salvage collection and salvage excavation .....	26
<b>8. Compliance Management.....</b>	<b>27</b>
8.1 Structure and Responsibility .....	27
8.2 Training.....	29
8.3 Inspections and Monitoring .....	29
8.4 Auditing.....	30
8.5 Contingency Plan and Reporting.....	30
8.5.1 Contingency Plan and Reporting Human Remains.....	30
8.5.2 Contingency Plan and Reporting Unexpected Finds .....	30
8.6 Incident and Non- Compliance Notification and Reporting .....	31
<b>9. Review and Improvement.....</b>	<b>33</b>

9.1	Continuous Improvement.....	33
9.2	ACHMSP Update and Amendment.....	33
<b>10.</b>	<b>General Project Communications.....</b>	<b>34</b>
<b>11.</b>	<b>References .....</b>	<b>35</b>

## Figures

Figure 6-1	Location of known Aboriginal sites with the Project area and required mitigation measures.....	16
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## Tables

Table 3-1	Project conditions of consent relevant to the ACHMSP.....	5
Table 3-2	Aboriginal heritage item listed in the Development Consent and ACHAR to not be harmed by the development.....	11
Table 3-3	Aboriginal heritage items listed in the ACHAR (NGH 2022) for salvage prior to impact.....	11
Table 5-1	Identified risks to known Aboriginal sites within the Project area as noted in the ACHAR (NGH 2022). .....	15
Table 7-1	Aboriginal Heritage control measure for the Project. ....	17
Table 8-1	Roles and responsibilities.....	27

## Appendices

Appendix A	Approved Layout of Development .....	A-I
Appendix B	Stakeholder Consultation .....	B-I
Appendix C	Salvage Methodology .....	C-I
Appendix D	Unexpected Finds Protocol.....	D-I
Appendix E	Sample registers.....	E-I

## Acronyms, abbreviations and definitions

Aboriginal object	Has the same meaning as the definition of the term in section 5 of the <i>National Parks and Wildlife Act 1974</i>
ACHAR	Aboriginal Cultural Heritage Assessment Report
ACHCRP	Aboriginal Cultural Heritage Consultation Requirements for Proponents
ACHMSP	Aboriginal Cultural Heritage Management Sub-Plan
AHIMS	Aboriginal Heritage Information Management System
Archaeological Salvage	A program of salvage excavation/s (as required) to recover information and/or objects from identified archaeological sites
ASIRF	Aboriginal Site Impact Recording Form
ATR	Archaeological Technical Report
CEMP	Construction Environmental Management Plan
Certifier	Means a council or accredited certifier or in the case of Crown development, a person qualified to conduct a Certification of Crown Building work
Code of Practice	Code of Practice for Archaeological investigation of Aboriginal Objects in NSW (DECCW NSW 2010)
Construction	<p>All physical work to enable operation including (unless specifically excluded by a condition) but not limited to the demolition and removal of buildings, the carrying out of works for the purposes of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent, but excluding the following:</p> <ul style="list-style-type: none"> <li>• building and road dilapidation surveys;</li> <li>• investigative drilling or investigative excavation;</li> <li>• archaeological salvage;</li> <li>• establishing temporary site offices (in locations identified by the conditions of this consent);</li> <li>• installation of environmental impact mitigation measures, fencing, enabling works; and</li> <li>• minor adjustments to services or utilities</li> </ul> <p>However, where heritage items, or threatened species or threatened ecological communities (within the meaning of the Biodiversity Conservation Act 2016 or Environment Protection and Biodiversity Conservation Act 1999) are affected or potentially affected by any physical work, that work is construction, unless otherwise determined by the Planning Secretary in consultation with EHG or DPE Fisheries (in the case of impact upon fish, aquatic invertebrates or marine vegetation)</p>
CCP	Community Consultation Plan
CEMP	Construction Environmental Management Plan
DECCW	(Former) Department of Environment, Climate Change and Water (NSW) (now DPE)

***Aboriginal Cultural Heritage Management Sub-Plan***  
***Jindabyne Education Campus***

DPE	Department of Planning and Environment (NSW)
EIS	Environmental Impact Statement for Jindabyne Education Campus dated December 2021 as amended by: <ul style="list-style-type: none"> <li>• New Education Campus at 207 Barry Way, Jindabyne Submissions Report dated 8 June 2022;</li> <li>• additional information provided by the Applicant to the Department dated 21 June 2022</li> </ul>
ha	hectares
Head contractor	Hansen Yuncken Pty Ltd
Heritage Act	<i>Heritage Act 1977</i> (NSW)
HSE	Health Safety and Environment
Incident	An occurrence or set of circumstances that causes, or threatens to cause, material harm and which may or may not be, or cause, a non-compliance Note: “material harm” is defined in this consent
km	kilometres
LALC	Local Aboriginal Land Council
LGA	Local Government Area
m	metres
Material harm	Is harm that: <ul style="list-style-type: none"> <li>a) involves actual or potential harm to the health or safety of human beings or to the environment that is not trivial; or</li> <li>b) results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000, (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)</li> </ul>
Mitigation	Activities associated with reducing the impacts of the development prior to or during those impacts occurring
NGH	NGH Pty Ltd
Non-compliance	An occurrence, set of circumstances or development that is a breach of the Development Consent but is not an incident
NPW Act	<i>National Parks and Wildlife Act 1974</i> (NSW)
NSW	New South Wales
Operation	The carrying out of the approved purpose of the development upon completion of construction
PAD	Potential Archaeological Deposit
Principal	NSW Department of Education

***Aboriginal Cultural Heritage Management Sub-Plan***  
***Jindabyne Education Campus***

RAP	Registered Aboriginal Party. Means the Aboriginal persons identified in accordance with the document entitled “Aboriginal cultural heritage consultation requirements for proponents 2010” (DECCW)
RtS	Response to Submission Report
WHSE Officer	Work Health, Safety and Environment Officer
SSD	State Significant Development
The Project	Jindabyne Education Campus
WMS	Work Method Statements

# **1. Introduction**

Development Consent was granted on the 10<sup>th</sup> of August 2022 for the construction and operation of a new educational facility at 207 Barry Way, Jindabyne (part of Lot 101 DP 1019527) in the Snowy Monaro Local Government Area (LGA) by the delegate for the Minister for Planning.

The Jindabyne Education Campus ('the Project') is a State Significant Development (SSD) (SSD 15788005) for the construction of a new education campus at Jindabyne, New South Wales (NSW) comprising of a new primary school and a new high school. The purpose of this Aboriginal Cultural Heritage Management Sub-Plan (ACHMSP) is to describe how impacts on Aboriginal heritage will be minimised and managed during construction and operation of the Project. The ACHMSP is part of the Construction Environmental Management Plan (CEMP) for the Project.

A draft Aboriginal Cultural Heritage Assessment Report (ACHAR) was prepared for the Jindabyne Education Campus (NGH 2021), which was included as part of the Jindabyne Education Campus Environmental Impact Statement (EIS) (Mecone 2021). The EIS summarised the key findings of the ACHAR including impacts to Aboriginal heritage and any proposed mitigation measures to minimise impacts, noting sub-surface testing was in progress. A final ACHAR and Archaeological Technical Report (ATR) (NGH 2022) including the results of sub-surface testing was included in the Response to Submissions Report (RtS) (Mecone 2022) which detailed proposed mitigation measures including the archaeological salvage of Aboriginal sites proposed to be impacted by the development of the Jindabyne Education Campus.

Hansen Yuncken Pty Ltd has been engaged as the construction Head contractor for the Project by the Proponent and Principal, the NSW Department of Education.

## **1.1 Context**

The CEMP prepared for the Project complies with the consent, issued by the delegate for the NSW Minister for Planning and all applicable legislation, for the construction and operation of the Project.

This ACHMSP is part of the Principal and their Head contractor's environmental management framework for the Project, as described in the overall CEMP. This ACHMSP has been prepared to address the requirements of the mitigation and management measures listed in the Development Consent relevant for Aboriginal Heritage during the construction and operation of the Project.

This ACHMSP has been prepared by suitably qualified, independent, and experienced archaeologists Dr Tessa Bryant and Kirsten Bradley from NGH. This ACHMSP will be finalised in consultation with the Registered Aboriginal Parties (RAPs) for the Project.

## **1.2 Environmental Management Strategic Framework**

The ACHMSP is part of the Principal and their Head contractor's environmental management framework for the Project, as described in the CEMP. This ACHMSP forms part of the CEMP for the Project and is to be read in conjunction with the overarching CEMP. It is applicable to all staff, contractors and sub-contractors associated with the construction and operation of the Project.

Mitigation and management measures identified in this plan will be incorporated into the site induction and Work Method Statements (WMS), as outlined in the CEMP, where applicable.



***Aboriginal Cultural Heritage Management Sub-Plan***  
***Jindabyne Education Campus***

All Project personnel, contractors and sub-contractors will undertake a site induction prior to commencing work on the Project site and will sign to acknowledge they have understood the contents of the induction. Additionally, all personnel undertaking a task governed by a work method statement must have signed that they have participated in a toolbox training on the work method statement, and that they have read and understood their obligations prior to commencing work.

Used together, the CEMP, management measures, procedures, site induction and WMS form management guides that clearly identify required environmental management actions for reference by the personnel, contractors and sub-contractors for the Project.

As a subplan of the CEMP, the review and document control processes for this plan will be undertaken in line with standard document control policy and procedures.

Further information about the nature of works to be completed and details on the Project can be found in the overarching CEMP.

## **2. Purpose and Objectives**

### **2.1 Purpose and Objectives**

The purpose of this ACHMSP is to provide a consistent and transparent process for the management of Aboriginal cultural heritage and to describe how impacts on Aboriginal heritage will be minimised and managed during construction and operation of the Project in line with the following document.

- Aboriginal Cultural Heritage Assessment Jindabyne Education Campus (NGH 2022)

In addition, the ACHMSP provides guidance for the management of any unexpected Aboriginal heritage objects that may be encountered during works for the Project. This ACHMSP applies specifically to proposed activities carried out within Project designated area in the Site Boundary.

The key objective of the ACHMSP is to ensure that impacts to Aboriginal heritage items which are known to be present within the Project area are minimised and that any impacts are within the scope permitted by the planning approval. To achieve this objective, the following will be undertaken:

- Ensure appropriate controls and procedures are implemented during construction and operation activities to avoid (where necessary) or minimise potential adverse impacts to Aboriginal heritage in the Site Boundary.
- Ensure appropriate measures are implemented to address the mitigation measures as detailed in the Development Consent, RtS and Aboriginal Cultural Heritage Assessment Jindabyne Education Campus (NGH 2022).
- Ensure appropriate measures are implemented to comply with all relevant legislation and other requirements as described in Section 3 of this plan.

### **2.2 Targets**

The following targets have been established for the management of Aboriginal heritage impacts during the construction and operation of the Project:

- To promote the safeguarding and protection of all Aboriginal cultural heritage in the area.
- To ensure that Aboriginal cultural heritage management measures are fully implemented, and no incidents occur.
- Ensure full compliance with the relevant legislative requirements, the Development Consent, RtS and the Aboriginal Cultural Heritage Assessment Jindabyne Education Campus (NGH 2022).
- Ensure avoidance to the known artefact site Jindabyne Campus AFT 2 by works for this Project.
- Follow correct procedure and ensure notification of any previously unidentified Aboriginal objects/places uncovered during construction and operation of the Project.

## **3. Environmental Requirements**

### **3.1 Legislative and Other Environmental Management Requirements**

#### **Legislation**

Legislation relevant to heritage management includes:

- *Environmental Planning and Assessment Act 1979 (EP&A Act)*
- *National Parks and Wildlife Act 1974 (NPW Act)*
- *National Parks and Wildlife Regulations 2019*
- *Native Title Act 1994 (NSW)*
- *Native Title Act 1993 (Commonwealth)*
- *Environment Protection Biodiversity Conservation Act 1999 (EPBC Act) (Commonwealth)*
- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Commonwealth)*

Relevant provisions of the above legislation are explained in the register of legal and other requirements included in the CEMP

#### **Guidelines and Standards**

The main guidelines, specifications, and policy documents relevant to this sub plan include:

- *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW (OEH 2011);*
- *Code of Practice for the Archaeological Investigation of Aboriginal Objects in New South Wales (DECCW NSW 2010a);*
- *Aboriginal cultural heritage consultation requirements for proponents 2010 (ACHCRP) (DECCW NSW 2010b).*

### **3.2 Permits and licences**

There are no licences or permits directly relevant for the Project in respect to the management of Aboriginal heritage. Further details regarding permits and licences are provided in the CEMP.

### **3.3 Development Consent**

Development Consent was issued by delegate for the Minister of Planning on the 10<sup>th</sup> of August 2022. Details of the Development Consent in relation to Aboriginal heritage are summarised in Table 3-1 below.

A detailed list of heritage control measures to be implemented to ensure compliance with the Development Consent, RtS and Aboriginal Cultural Heritage Assessment Jindabyne Education Campus (NGH 2022) for the Project is detailed in Section 7 of this document. As noted in the Development Consent, in addition to meeting the specific performance measures and criteria of the Project consent, all reasonable and feasible measures must be implemented to prevent and/or minimise any material harm to the environment that may results from the construction and operation

of the development is noted, this includes harm to Aboriginal heritage objects. This document outlines how this is to be achieved.

Table 3-1 Project conditions of consent relevant to the ACHMSP.

Condition	Condition of Consent	Location of Relevant Information
A1 of Schedule 2	In additional to meeting the specific environmental performance criteria established under this consent, all reasonable and feasible measures to prevent, and, if prevention is not reasonable and feasible, minimise any material harm to the environment that may result from the construction and operation of the development.	This document and Section 7.
A2 of Schedule 2	The development may only be carried out: <ul style="list-style-type: none"> <li>a) in compliance with the conditions of this consent;</li> <li>b) in accordance with all written directions of the Planning Secretary;</li> <li>c) generally in accordance with the EIS and Response to Submissions and Supplementary Response to Submissions;</li> <li>d) in accordance with the approved plans</li> </ul>	This document
A8 of Schedule 2	<p><b>Evidence of Consultation</b></p> <p>Where conditions of this consent require consultation with an identified party, the Applicant must:</p> <ul style="list-style-type: none"> <li>a) Consult with the relevant party prior to submitting the subject document for information or approval; and</li> <li>b) Provide details of the consultation undertaken including: <ul style="list-style-type: none"> <li>i) The outcome of that consultation, matters resolved and unresolved; and</li> <li>ii) Details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.</li> </ul> </li> </ul>	This document, Section 4 and Appendix B.
A28 of Schedule 2	<p><b>Compliance</b></p> <p>The Applicant must ensure that all of its employees, contractors (and their sub-contractor) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect to the developments.</p>	Section 8

Condition	Condition of Consent	Location of Relevant Information
A29 of Schedule 2	<b>Incident Notification, Report and Response</b> The Planning Secretary must be notified through the major projects portal immediately after the Applicant becomes aware of an incident. The notification must identify the development (including the development application number and the name of the development if it has one), and set out the location and nature of the incident.	Section 8.6
A30 of Schedule 2		
A31 of Schedule 2	<b>Non-Compliance Notification</b> The Planning Secretary must be notified through the major projects portal within seven days after the Applicant becomes aware of any non-compliance. The certified must also notify the Planning Secretary through the major projects portal within seven days after they identify any non-compliance.  The notification must identify the development and the application number for it, set out the condition of consent that the development is non-compliant with, the way in which it does not comply and the reasons for the non-compliance (if known) and what actions have been, or will be, undertaken to address the non-compliance.  A non-compliance which has been notified as an incident does not need to also be notified as a non-compliance.	Section 8.6
A32 of Schedule 2		
A33 of Schedule 2		
A34 of Schedule 2	<b>Revision of Strategies, Plans and Programs</b> Within three months of: <ul style="list-style-type: none"> <li>a) the submission of a compliance report</li> <li>b) the submission of an incident report under condition A30;</li> <li>c) the submission of an Independent Audit under condition C41 or C42;</li> <li>d) the approval of any modification of the conditions of this consent; or</li> <li>e) The issue of a direction of the Planning Secretary under condition A2 which requires a review,</li> </ul> the strategies, plans and programs required under this consent, must be reviewed, and the Certifier must be	Section 8 and 9

Condition	Condition of Consent	Location of Relevant Information
A35 of Schedule 2	<p>notified in writing that a review is being carried out.</p> <p>If necessary to either improve the environmental performance of the development, cater for a modification or comply with a direction, the strategies, plans, programs or drawing required under this consent must be revised, to the satisfaction of the Certifier. Where revisions are required, the revised document must be submitted to the Certified for information within six weeks of the review.</p> <p><i>Note: This is to ensure strategies, plans and programs are updated on a regular basis and to incorporate any recommended measures to improve the environmental performance of the development.</i></p>	
B15 of Schedule 2	<p>Prior to the commencement of construction, the Applicant must submit a Construction Environmental Management Plan (CEMP) to the Certifier and provide a copy to the Planning Secretary for information. The CEMP must include, but not be limited to:</p> <ul style="list-style-type: none"> <li>c) an unexpected finds protocol for Aboriginal heritage and associated communications procedure</li> <li>d) mitigation measures in accordance with: <ul style="list-style-type: none"> <li>v) Aboriginal Cultural Heritage Management Sub-Plan (see condition B20)</li> </ul> </li> </ul>	<p>CEMP and this document Appendix D</p> <p>This document</p>
B20 of Schedule 2	<p>The Aboriginal Cultural Heritage Management Sub-Plan (ACHMSP) must address, but not be limited to, the following:</p> <ul style="list-style-type: none"> <li>a) be prepared by a suitable qualified and experiences expert in consultation with the Registered Aboriginal Parties;</li> <li>b) describe the measures to protect the known artefact Jindabyne Campus AFT 2 in perpetuity</li> <li>c) implement recommendations made in the Aboriginal Cultural Heritage Assessment for Jindabyne Education Campus dated 23 May 2022 prepared by NGH Pty Ltd</li> </ul>	This document
C9 of Schedule 3	<p><b>Implementation of Management Plans</b></p> <p>The Applicant must carry out the construction of the development in accordance with the most recent version of the CEMP (including Sub-Plans).</p>	CEMP and this document, Section 9

Condition	Condition of Consent	Location of Relevant Information
C27 of Schedule 3	<b>Aboriginal Cultural Heritage</b> Construction must be undertaken in accordance with the recommendations of the Aboriginal Cultural Heritage Assessment Report prepared by NGH Pty Ltd dated 23 May 2022.	This document, Section 7 and Appendix D
C28 of Schedule 3	A representative of the Local Aboriginal Land Council must be invited to observe works associated with condition B20 undertaken on the site. Any invitation must be provided at least 14 days prior to the works occurring and reasonable arrangements agrees for the observation of the works where an invitation is accepted. In the event that any unexpected finds are discovered, any direction from the Local Aboriginal Land Council representative and the procedures outlined in condition C29 must be followed.	
C29 of Schedule 3	<b>Unexpected Finds Protocol – Aboriginal Heritage</b> In the event that surface disturbance identifies a new Aboriginal object: <ul style="list-style-type: none"> <li>a) all works must halt in the immediate area to prevent any further impacts to the object(s);</li> <li>b) a suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects;</li> <li>c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW under Department of Premier and Cabinet and the management outcome for the site included in the information provided to AHIMS;</li> <li>d) the Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites; and</li> <li>e) works may only recommence with the written approval of the Planning Secretary</li> </ul>	Section 8.5.1 and 8.5.2 Appendix D

Condition	Condition of Consent	Location of Relevant Information
C40 of Schedule 3	<b>Independent Environmental Audit</b> Proposed independent auditors must be agreed to in writing by the Planning Secretary prior to the commencement of an Independent Audit	Section 8.4
C41 of Schedule 3	Independent Audits of the development must be conducted and carried out in accordance with the Independent Audit Post Approval Requirements	
C42 of Schedule 3	The Planning Secretary may require the initial and subsequent Independent Audits to be undertaken at different times to those agree to above, upon giving at least 4 weeks' notice to the Applicant of the date or timing upon which the audit must be commenced.	
C43 of Schedule 3	In accordance with the specific requirements in the Independent Audit Post Approval Requirements, the Applicant must: <ul style="list-style-type: none"> <li>a) review and respond to each Independent Audit Report prepared under Condition C40 of this consent, or condition C42 where notice is given;</li> <li>b) submit the response to the Planning Secretary; and</li> <li>c) make each Independent Audit Report and response to it publicly available within 60 days after submission to the Planning Secretary.</li> </ul>	
C44 of Schedule 3	Independent Audit Reports and the applicant/ proponent's response to audit findings must be submitted to the Planning Secretary within two months of undertaking the independent audit site inspection as outlined in the Independent Audit Post Approval Requirements unless otherwise agreed by the Planning Secretary.	
C45 of Schedule 3	Notwithstanding the requirements of the Independent Audit Post Approval Requirements, the Planning Secretary may approve a request for ongoing independent operational audits to be ceased, where it has been demonstrated to the Planning Secretary's satisfaction that an audit has demonstrated operational compliance.	
Appendix 2: Written Incident Notification and Reporting	<b>Written Incident Notification Requirements</b> <ol style="list-style-type: none"> <li>1. A written incident notification addressing the requirements set out below must be emailed to the Planning Secretary through the major projects</li> </ol>	Section 8.6



Condition	Condition of Consent	Location of Relevant Information
Requirements	<p>portal within seven days after the Applicant becomes aware of an incident. Notification is required to be given under this condition even if the Applicant fails to give the notification required under condition A9 or, having given such notification, subsequently forms the view that an incident has not occurred.</p> <p>2. Written notification of an incident must:</p> <ul style="list-style-type: none"> <li>(a) identify the development and application number;</li> <li>(b) provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);</li> <li>(c) identify how the incident was detected;</li> <li>(d) identify when the applicant became aware of the incident;</li> <li>(e) identify any actual or potential non-compliance with conditions of consent;</li> <li>(f) describe what immediate steps were taken in relation to the incident;</li> <li>(g) identify further action(s) that will be taken in relation to the incident; and</li> <li>(h) identify a project contact for further communication regarding the incident.</li> </ul> <p>3. Within 30 days of the date on which the incident occurred or as otherwise agreed to by the Planning Secretary, the Applicant must provide the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary) with a detailed report on the incident addressing all requirements below, and such further reports as may be requested.</p> <p>4. The Incident Report must include:</p> <ul style="list-style-type: none"> <li>(a) a summary of the incident;</li> <li>(b) outcomes of an incident investigation, including identification of the cause of the incident;</li> <li>(c) details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and</li> <li>(d) details of any communication with other stakeholders regarding the incident.</li> </ul>	

**Aboriginal Cultural Heritage Management Sub-Plan**  
Jindabyne Education Campus

The Aboriginal heritage items within the development area and the mitigation recommendations from the ACHAR for the Project are listed below for easy reference. AHIMS# 62-1-0392/ Jindabyne Campus AFT 2 (an isolated find) is listed in the Development Consent condition B20 must not be harmed (Table 3-2). This site is outside of the development footprint. The Development Consent condition B20 also requires the recommendations from the ACHAR which was completed by NGH Pty Ltd dated May 2022 be implemented.

Table 3-2 Aboriginal heritage item listed in the Development Consent and ACHAR to not be harmed by the development.

AHIMS	Name	Type	Mitigation
62-1-0392	Jindabyne Campus AFT 2	Isolated Find	No harm allowed, protect in perpetuity

Aboriginal heritage items where mitigation is required prior to impact if these sites are unable to be avoided by the development are listed in Table 3-3 as noted in the ACHAR (NGH 2022).

Table 3-3 Aboriginal heritage items listed in the ACHAR (NGH 2022) for salvage prior to impact.

AHIMS	Name	Type	Mitigation
62-1-0385	Jindabyne Campus AFT 1/ PAD 1	Artefact Scatter + Potential Archaeological Deposit	Community collection surface salvage and Subsurface (archaeological) salvage
62-1-0386	Jindabyne Campus AFT 3/ PAD 3	Artefact Scatter + Potential Archaeological Deposit	Community collection surface salvage
62-1-0387	Jindabyne Campus AFT 4	Isolated Find	Community collection surface salvage

No mitigation was recommended for Jindabyne Campus PAD 2.

## **4. Consultation for the ACHMSP**

Condition B20(a) of Schedule 2 of the Development Consent requires the ACHMSP be prepared in consultation with the Registered Aboriginal Parties (RAPs).

The consultation process for this Project began in 2021 for the ACHAR. The consultation with Aboriginal stakeholders was undertaken in accordance with clause 80C of the *National Parks and Wildlife Amendment (Aboriginal Objects and Aboriginal Places) Regulation 2010* following the consultation steps outlined in the ACHCRP guide.

The Project is located within the boundaries of the Bega Local Aboriginal Land Council (Bega LALC).

As a result of this process, there are twenty Registered Aboriginal Parties (RAPs) for this Project, as listed below and outlined in Appendix B.

- Bega LALC
- Ngarigo and Djiringanj people and elders (John Dixon)
- Wagonga Local Aboriginal Land Council (Wagonga LALC)
- Ngarigu Brajerak
- PD Ngunawal Consultancy
- Yurwang Gundana Cultural Heritage Services
- Gulgunya Ngunawal Heritage Aboriginal Consultancy (GNHAC)
- Didge Ngunawal Clan
- Clive Freeman
- Ngunawal Heritage Aboriginal Corporation
- Ngarigo Nation Indigenous Corporation
- Muragadi Heritage Indigenous Corporation
- Murri Bidgee Mullangari Aboriginal Corporation
- Merrigarn Indigenous Corporation
- Wolgalu Umbe Traditional Custodians Corporation
- Redacted Group #1
- Redacted Group #2
- Redacted Group #3
- Redacted Group #4
- Redacted Group #5

The five redacted groups who registered an interest in the project have requested that their details are not released.

As per Condition A8, B20(a) and C29 of the Development Consent, consultation with the Project RAPs is required and ongoing during the implementation of the Plan. A log of consultation will be kept by the Project's Environmental Representative. Consultation with the RAPs will generally be provided in writing via email by the Project's Environmental Representative as required.

For this ACHMSP, additional consultation during the development of this document was undertaken with the RAPs as required by the Development Consent. A copy of this draft sub plan was sent via

email to all RAPs for comment on the 25<sup>th</sup> of October 2022. Any comments on the draft ACHMSP were requested to be provided within 7 days of the sub plan being provided to the RAPs.

Comments on the draft ACHMSP, were received from four of the RAPs over the 31<sup>st</sup> of October 2022 and 1<sup>st</sup> of November 2022. A copy of these responses is held by NGH which can be provided on request to consenting authority and/or Certifier. As a number of the responses have come from RAPs whose details are redacted in public documents for this Project, as a courtesy all responses to the draft ACHMSP have been redacted in this plan.

No issues or concerns were raised about the draft ACHMSP from the RAPs who provided a response and this document which subsequently finalised.

On the 7<sup>th</sup> of November 2022 verbal comments were provided to NGH by John Dixon- Ngarigo and Djiringanj people and elders. It was specially noted that C28 of Schedule 3 of the Development Consent must be reworded to ensure the opportunity to be involved in mitigation works and events of unexpected finds for this project state Aboriginal custodian rather than specially identifying the LALCs involvement in works for this project. Subsequent, to the modification of this condition this plan should be updated accordingly however it was stressed that regardless of this condition an opportunity to participate in the mitigation works should be provided to the appropriate representatives for the Aboriginal custodians of the land on which the project is being built. These comments were requested to be included into this plan. Where possible these comments have been incorporated into version Final v1.1 however NGH note that this plan is currently bounded by the existing conditions of the Development Consent.

## **5. Existing Heritage**

As part of the EIS, NGH Pty Ltd (2021) prepared a draft ACHAR for the proposed Jindabyne Education Campus that detailed the findings of the survey of the Project area and recommended subsurface investigation of four areas which were determined to have potential archaeological deposits (PAD). The findings of the draft ACHAR (2021) which did not include the results of the subsurface investigations were summarised within the EIS (Mecone 2021). The subsurface testing results were presented in an Archaeological Technical Report (ATR) (NGH 2022b) which was submitted as part of the documents provided in the response to submission. The final ACHAR (NGH 2022a), which included a summary of the results of the subsurface test excavation, was also included in the response to submission for the Project. A brief summary of the results of the Aboriginal heritage assessments undertaken for the Project is included below.

The assessment included a review of relevant information relating to the landscapes within the Project area. It was noted that no Aboriginal sites had previously been recorded within the Project area. The Project area is situated to the west of a second order drainage channel of Lees Creek and an unnamed tributary of Lees Creek to the north. Lees Creek flows into Stinky Bay, Lake Jindabyne 1km to the east but would have joined with the Snowy River approximately 2km away prior to the construction of the dam. The Project area comprises rolling hills and dissected plateaus. Areas of elevated level terrain within the Project area were identified to have higher archaeological potential.

Based on previous archaeological investigations and Aboriginal site modelling for the region the Project area was noted as having the possibility of containing archaeological sites, especially given that Aboriginal people have lived in the region for tens of thousands of years. This would most likely be in the form of stone artefacts. A low potential for burials to occur was also noted as burial sites have been identified within the local Jindabyne area.

Despite the variable visibility encountered during the survey, four PAD areas, one low density artefact scatter and three isolated finds were recorded. Jindabyne Campus PAD 1 was in the southwest, PAD2 in the central west, PAD3 in the central north and PAD 4 in the eastern central portion of the Project area (NGH 2021). Jindabyne Campus AFT1 was a single quartz flake (isolated find) considered to be *in situ* which was located in a small exposure at the base of a mature tree on flat ground in the southwest of the Project area. Jindabyne Campus AFT2 was a quartz flaked piece (isolated find) in a small exposure at the base of a former golf tee built up from fill in the southwest of the Project area and was considered unlikely to be *in situ*. Jindabyne Campus AFT3 comprised three artefacts, two quartz flakes and one volcanic flake fragment that were eroding from a gravelly substrate below the steep bank of an elevated golf tee, in a disturbed area in the central west of the Project area. Jindabyne Campus AFT4 was a quartz flake fragment (isolated find) on the steeper base on a knoll in an eroded area, which was unlikely to be *in situ* in the northeast of the Project area.

Subsequent to the survey, a limited program of subsurface test excavation of the PADs was undertaken following the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (NGH 2022a & 2022b). A total of 20 test pits were excavated across the four PADs within the Project area, with seven test pits excavated in PAD 1, seven test pits excavated in PAD 2, four test pits excavated in PAD 3 and two test pits excavated in PAD 4. A total of eight artefacts were recovered from the test excavation, with six stone artefacts recovered from PAD 1, one stone artefact recovered from PAD 2 and one stone artefact from PAD 3. As no cultural material was recovered from PAD 4 it was determined not to be a site.

**Aboriginal Cultural Heritage Management Sub-Plan**  
Jindabyne Education Campus

Within PAD 1 four artefacts came from TP 1, and one artefact each from TP 5 and TP6, this cultural material was determined to be associated with the site Jindabyne Campus AFT1 / PAD 1. One artefact came from TP 5 in PAD 2 which was recorded as the site Jindabyne Campus PAD2 and one from TP 1 in PAD 3 which was determined to be associated with the site Jindabyne Campus AFT3 / PAD 3. The artefacts recovered from the testing were mostly silcrete and quartz flakes and flake fragments with one volcanic asymmetric backed artefact and one volcanic flake also recovered. The test excavation results were indicative of a low density background scatter associated with the transient use of the surrounding landscape.

Table 5-1 below lists the identified risks to known Aboriginal sites within the Project area and the mitigation measures as recommended in the final ACHAR. It was also noted that it should also be considered that the campus acknowledges the presence of the Aboriginal sites in some way.

Table 5-1 Identified risks to known Aboriginal sites within the Project area as noted in the ACHAR (NGH 2022).

AHIMS #	Site name	Site Type	Type of harm	Degree of harm	Consequence of harm	Recommendation
62-1-0385	Jindabyne Campus AFT 1 / PAD 1	Artefact Scatter	Indirect	Total	Total loss of value	Limited subsurface salvage and salvage of surface objects prior to development. Salvage would occur in a minimum of one open area of 2m x 2m around the location of TP1. Additional options for a second open area or expansion of the first should also be included in the methodology.
62-1-0392	Jindabyne Campus AFT 2	Isolated Find	Indirect	Partial	Partial loss of value	As the site is outside of the Proposal Area and will not be impacted, a barricade will need to be erected to form a 5m buffer around the site to ensure it remains intact.
62-1-0386	Jindabyne Campus AFT 3 / PAD 3	Artefact Scatter	Direct	Total	Total	Salvage surface objects prior to development
62-1-0387	Jindabyne Campus AFT 4	Isolated Find	Direct	Total	Total	Salvage surface objects prior to development
62-1-0410	Jindabyne Campus PAD 2	Isolated Find	Direct	Total	Total	No further mitigation required
NA	Jindabyne Campus PAD 4	Not a site	NA	NA	NA	No further mitigation required



## 6. Heritage Mapping

Mapping of the heritage items and recommended mitigation for the Project are shown in Figure 6-1.

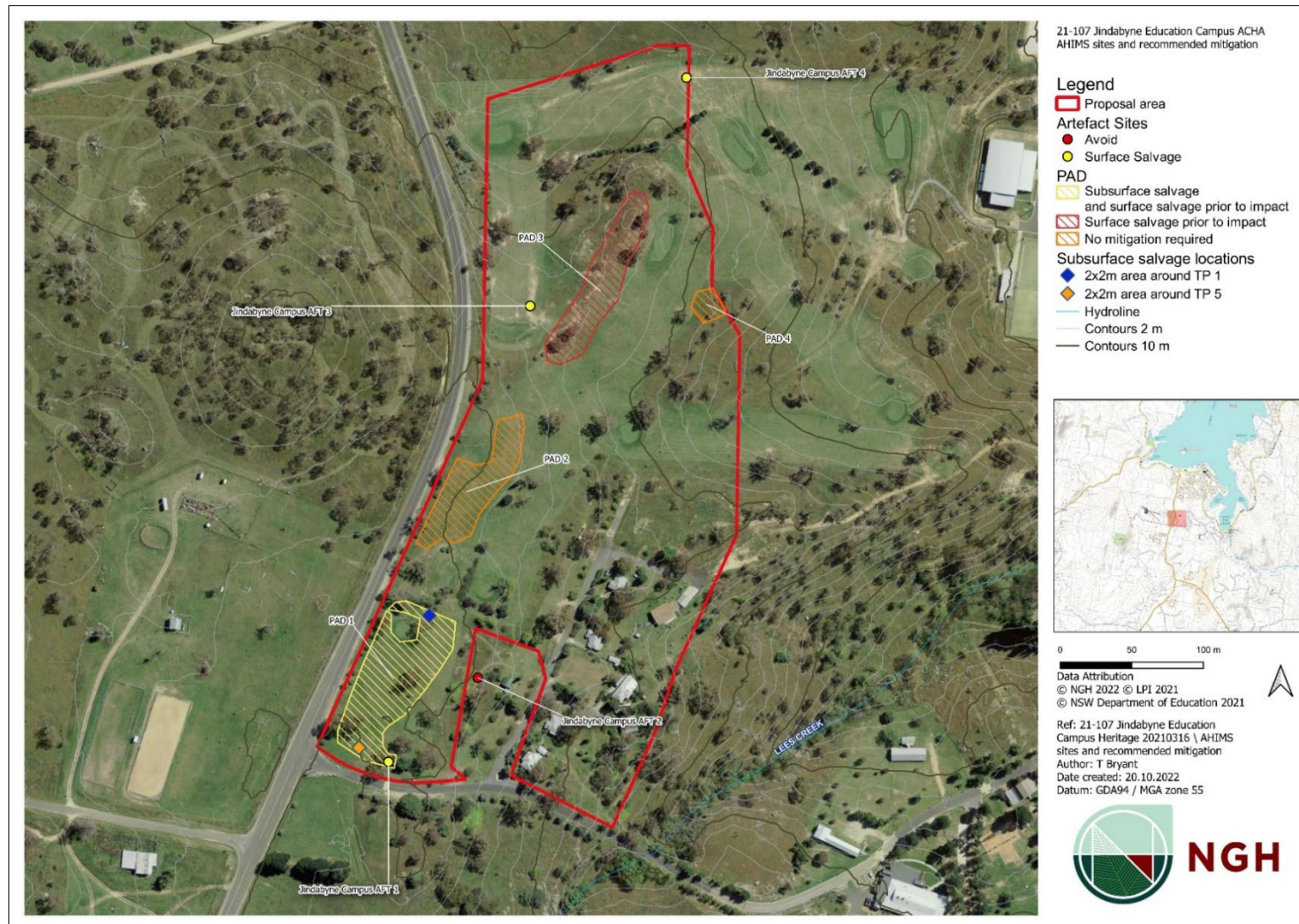


Figure 6-1 Location of known Aboriginal sites with the Project area and required mitigation measures.

## 7. Heritage Control Measures

A range of mitigation requirements and control measures are identified in the Development Consent, EIS, RtS and heritage assessments undertaken for the Project. Specific measures and requirements to address impacts to heritage values are outlined in Table 7-1. The measures have been listed to cover broad activities and as such there may be some repetition of mitigation measures. This table also specifically includes recommendations made in the Aboriginal Cultural Heritage Assessment for the Jindabyne Education Campus dated 23 May 2022 prepared by NGH Pty Ltd.

Table 7-1 Aboriginal Heritage control measure for the Project.

Measure/Requirement	Resources Needed	When to Implement	Responsibility	References
<b>General</b>				
All reasonable and feasible measures must be implemented to prevent and/or minimise any material harm to the environment, including Aboriginal objects, that may result from the construction and operation of the development.	This document	Pre-construction Construction Operational	Head contractor Project Manager	This document
Ensure the development does not cause any direct or indirect impacts on the Aboriginal heritage items identified in the Development Consent (Jindabyne Campus AFT 2) as sites to avoid impacting or other sites located outside the approved development footprint.	This document Development Consent	Pre-construction Construction Operational	Principal Head contractor Project Manager	This document Development Consent ACHAR
Implementation of approved Aboriginal Cultural Heritage Management Sub-Plan prior to the commencement of construction as part of the submission of the CEMP to the Certifier and provided to the Planning Secretary for information.	This document CEMP Development Consent	Pre-construction	Head contractor Project Manager	This document
A copy of the ACHMSP should be kept on site during construction and operation of the Project and be readily available for reference if and as required.	This document	Pre-construction Construction Operational	Head contractor Environmental Officer	This document



**Aboriginal Cultural Heritage Management Sub-Plan**  
Jindabyne Education Campus

Measure/Requirement	Resources Needed	When to Implement	Responsibility	References
Training will be provided to all personnel involved in construction and management phases of the Project, including relevant sub-contractors on Aboriginal heritage requirements from this sub plan through inductions, toolboxes, and targeted training.	Induction package Toolbox training material Targeted training material	Pre-Construction Construction Operational	Project Manager Environmental Officer Head contractor	This document Section 8.2 and
All employees, contractors and utility staff working on site will receive Aboriginal Cultural Heritage Awareness Training. It will be provided to all personnel in the form of an induction before they begin work on site. A record of this training will be kept.	Induction package	Pre-construction Construction Operational	Project Manager Head contractor Environmental Officer	This document Section 8.2
A strategy for the long-term management of any items or material that are salvaged would be developed in consultation with the registered Aboriginal parties. It is recommended that the artefacts recovered during salvage would be relocated and buried in a safe location within the Project area outside the approved development footprint such as at or near the location of Jindabyne Campus AFT 4, however long-term management may include options such as: <ul style="list-style-type: none"> <li>a. Buried in accordance with Requirement 26 of the <i>Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW</i> in a safe location away from development.</li> <li>b. Kept as a display in the school campus or for teaching purposes. This would require the completion of a Care Agreement under Section 85 of the NPW Act.</li> <li>c. Consultation with the RAPs regarding their preference for storage and management of any collected artefacts should continue.</li> </ul>	Development Consent ACHAR This Plan	Pre-construction Construction	Project Manager Head contractor Environmental Officer Project Archaeologist	This document Appendix C and Section 7.2
The location of all Aboriginal sites which are not approved for impacts (Jindabyne Campus AFT 2) and/or proposed to be avoided by impacts based on the final design should be clearly shown on all relevant construction maps and plans.	Construction mapping and plans	Pre-construction Construction Operational	Head contractor Project Manager	This document and construction mapping and plans

**Aboriginal Cultural Heritage Management Sub-Plan**  
Jindabyne Education Campus

Measure/Requirement	Resources Needed	When to Implement	Responsibility	References
Further archaeological assessment would be required if the Project activity extends beyond the areas assessed to date. This would include consultation with the registered Aboriginal parties and may include further field survey and subsurface testing.	Heritage reports Development Consent	Design Pre-construction Construction Operational	Principal	Development Consent Heritage reports This document
A formal modification to the development consent would be required if any activity were proposed to extend beyond the area assessed and granted for development approval.	Development Consent	Design Pre-construction Construction Operational	Principal	Development Consent
Aboriginal heritage must be included within any major environmental audit for the Project	Development Consent This document	Pre-construction Construction Operational	Independent Auditor Project Manager	This document Section 8.4
The Principal must notify the owner of the land at the location of Jindabyne Campus AFT 2 of the presence of this Aboriginal site and that it is noted in the conditions of this project as a site which must be avoided in perpetuity.	Development Consent Heritage Assessments	Design Pre-construction Construction Operational	Principal	Development Consent Heritage reports This document
To ensure that there are no impacts to the location of Jindabyne Campus AFT 2 (in perpetuity) by activities associated with the education campus, the Principal should consider the erection of permanent fencing of the lands managed by the Principal for this Project in proximity of this location, ensuring the avoidance of Jindabyne Campus AFT 2.	Development Consent Heritage Assessments	Design Pre-construction Construction Operational	Principal	Development Consent Heritage reports This document
<b>PRE-CONSTRUCTION</b>				
Temporary fencing will be placed around the school site during construction to ensure all works are within the approved area and to ensure no impacts to the site Jindabyne Campus AFT 2 during construction works.	RtS	Pre-construction Construction	Head contractor Environmental Officer	This document

Measure/Requirement	Resources Needed	When to Implement	Responsibility	References
Delineation and signage of Aboriginal sites that will not be impacted by the proposed development works within the Project area will be put in place prior to any construction works commencing with a minimum 5 metre no go area fenced to ensure no inadvertent impacts during construction can occur.	ACHAR ACHMSP Development Consent	Pre-construction Construction Operational	Head contractor Environmental Officer	This document Section 8.3 Table 5-1
Delineation and signage of the artefact relocation site/s will also occur (if construction works are still occurring) once the relocation has occurred if reburial of the material is the chosen long term management option selected by the RAPs for any salvaged material and the objects previously recovered from test excavation which are in the temporary care of NGH. A minimum 5 m buffer zone is required to be placed around the artefact relocation site/s (if construction works are still occurring) to ensure they will not be impacted into the future. No future works can occur which will impact the relocation site.	ACHAR This document	Pre-construction Construction	Head contractor Environmental Officer	This document
Temporary storage of any recovered salvaged material may be temporarily stored with NGH in a secure locked cabinet at the NGH Canberra office with the material previously recovered from testing, until a suitable reburial location and/or the long term management of material is agreed upon with the RAPs and Principal. This may occur post construction and will occur within 2 years of the completion of the construction works.	This document	Pre-construction Construction Operational	Principal	This document
A representative of the appropriate Local Aboriginal Land Council (the Bega LALC) must be invited to observe works associated with delineation of Aboriginal sites that will not be impacted, salvage and unexpected finds (or any works undertaken as part of Condition B20). Any invitation must be provided at least 14 days prior to the works occurring and reasonable arrangements agreed for the observation/participation of the works where an invitation is accepted. This opportunity should, where possible, also be expanded to a representative for the Aboriginal Custodian of the land.	Development Consent	Pre-construction Construction	Head contractor Environmental Officer Project archaeologist	Development Consent This document
A minimum 5 m buffer must be observed around all sites with stone artefacts until salvage of these heritage items/sites is undertaken as recommended by the ACHAR and approved by the Development Consent.	ACHAR ACHMSP	Pre-construction Construction	Head contractor Environmental Officer	This document Table 5-1

Measure/Requirement	Resources Needed	When to Implement	Responsibility	References
A new site card/s must be completed on the AHIMS database for the relocated/reburial location of the salvage sites. This must occur within 3 months of the actions being completed for the reburial of the salvaged sites.	Code of Practice	Pre-construction	Head contractor Project Manager Project archaeologist	Code of Practice Section 7.2
Any salvage works would be conducted by an archaeologist with representatives of the Registered Aboriginal Parties, including with at a minimum one representative of the Bega LALC invited to participate. The invitation the RAP/s selected by Principal and/or Head contractor to participate in salvage works must be provided at least 14 days' notice prior to the works occurring.	Code of Practice ACHAR ACHMSP Development Consent	Pre-construction Construction	Head contractor Project Manager Project archaeologist	This document Appendix C Development Consent
The salvage of Aboriginal objects approved for impacts must occur prior to construction works commencing at these locations if impacts to these sites cannot be avoided. Community collection of surface artefacts will be incorporated into the pre-construction phase. All reasonable attempts to relocate the surface artefacts facing potential harm in the Project area if they are unable to be avoided will be undertaken to the stratification of the RAPs and archaeologist who participate in this work. The Community Collection program would be undertaken by a qualified archaeologist and RAP representative/s (as selected by the Principal and/or Head contractor).	Heritage Assessments This Plan RtS	Pre-construction	Head contractor Project Manager Project archaeologist	This document Section 3.3 Appendix C
Salvage excavation is required prior to construction works commencing at the location of PAD 1 if the area cannot be avoided by impacts. Salvage excavation would be incorporated into the pre-construction phase. Salvage excavation would occur in a minimum of one open area of 2m x 2m around the location of TP1 (where the highest density of artefacts was recorded) if impacts to this location cannot be avoided. Options for additional expansion or opening of a second area are to be included in the salvage methodology and implement if determined to be warranted.	Code of Practice ACHAR ACHMSP Development Consent RtS	Pre-construction	Head contractor Project Manager Project archaeologist	This document Appendix C
An Aboriginal Site Impact Recording Form will be required to be completed and submitted to AHIMS for any site harmed or destroyed from salvage and/or construction works. Artefact disposition and storage must be done in accordance with Requirement 26 of the Code of Practice (DECCW 2010:35-6).	Code of Practice Aboriginal Site Impact Recording Form	Pre-construction	Head contractor Project Manager Project archaeologist	Code of Practice Section 7.2

Measure/Requirement	Resources Needed	When to Implement	Responsibility	References
<b>Construction</b>				
Construction must be undertaken in accordance with the recommendations of the Aboriginal Cultural Heritage Assessment Report prepared by NGH Pty Ltd dated 23 May 2022.	Development Consent	Construction	Head contractor	This document AHCAR
Where any additional, unrecorded Aboriginal or non-Aboriginal objects are encountered during works within the approved development footprint (Appendix A of this Plan) the Unexpected Finds Procedure will be followed.	Unexpected Finds Procedure Site Plan Development Consent	Construction Operational	Head contractor Project Manager Environmental Officer All personnel	This document Unexpected Finds Procedure Appendix D
If human remains are discovered on site, then all work surrounding the area must cease immediately, the area must be secured and NSW Police notified. The Unexpected Finds Procedure will be followed to notify Heritage NSW as soon as possible. Work must not recommence in the area until this is authorised by Heritage NSW and/or NSW Police.	Unexpected Finds Procedure	Construction Operational	Head contractor Project Manager Environmental Officer All personnel	This document Unexpected Finds Procedure Appendix D .1 Section 8.5.1
<b>Operational</b>				
The campus once constructed acknowledges the presence of the Aboriginal sites in some way. It may be possible for example to have site locations marked, the school entrance to acknowledge the Ngarigo community and use of the land, or even to display some artefacts. These measures would need to be considered and discussed with the RAPs to ensure their agreement and to obtain any suitable images, wording or other materials used is approved.	Heritage Assessments	Operational	Principal	Development Consent Heritage reports This document

## **7.1 Temporary/short term storage of artefacts**

As part of the ACHAR (NGH 2022a), a subsurface test excavation was undertaken. All artefacts recovered from the subsurface testing program for this Project are currently in temporary care in a locked cabinet at NGH Canberra office.

The Aboriginal artefacts recovered from the surface collection and archaeological excavation salvage program, which is required to be undertaken prior to any constructions works if these sites cannot be avoided by works, may be temporarily held in a secure locked cabinet at the NGH Canberra office with the material previously recovered from testing, until a suitable reburial location and/or the long term management of material is agreed upon with the RAPs and Principal. The temporary storage of these objects is intended to not exceed within 2 years of the completion of the construction works.

## **7.2 Long term management and relocation of salvaged artefacts**

The relocation site for the Aboriginal artefacts which will be salvaged via the surface collection salvage program, salvage excavation and those previously recovered from the subsurface testing program (which are currently in temporary care of NGH Canberra office) would need to be agreed to by the Principal and RAPs and be outside the any areas proposed future impacts. A strategy for the long-term management of any items or material that are salvaged would be developed in consultation with the registered Aboriginal parties but may include options such as:

- a. Buried in accordance with Requirement 26 of the Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW in a safe location away from development.
- b. Kept as a display in the school campus or for teaching purposes. This would require the completion of a Care Agreement under Section 85 of the NPW Act.
- c. Consultation with the RAPs regarding their preference for storage and management of any collected artefacts should continue.

The site/s for the relocation of salvaged Aboriginal objects would be noted by submission of site card/s to the Aboriginal Heritage Information Management System (AHIMS) and/or undertaken in line with an approved Care Agreement under Section 85 of the NPW Act.

If the material is buried a new AHIMS sites card would be submitted as legally required within 3 months from the reburial/relocation of the salvaged Aboriginal objects.

An Aboriginal Site Impact Recording Form must be completed and submitted to AHIMS following harm for each site collected or destroyed from salvage and/or construction works. Representatives from the RAPs (as selected by the Principal and/or Head contractor) would be provided with the opportunity to assist the Project Archaeologist with the salvage program and the relocation of the salvaged objects. Generally, a minimum of two representatives from the RAPs would be invited to participate in the salvage program and the relocation of the Aboriginal salvaged objects. If Aboriginal representatives are available to participate in the relocation of the Aboriginal salvaged objects, they will be asked to conduct a ceremony (i.e. smoking) for the relocation site and artefacts if they wish to and if it is safe to do so. If representatives from the RAPs are not available to participate and all reasonable opportunities



have been afforded, the salvage and relocation of Aboriginal objects, would continue as scheduled by the Project Archaeologist.

Following the relocation of the Aboriginal objects, which have been salvaged as per the Development Consent, the site location/s will also be provided to the Principal and Head contractor to ensure the site/s are protected during the construction and operation of the Project. Following the relocation of salvaged Aboriginal objects, the mapping within the ACHMSP would be updated to show and/or include the relocation site/s. It is intended that this would occur within 3 months of the relocation of the sites. A minimum 5 m buffer zone is required to be placed and delineated around the artefact relocation site/s if burial occurs during the construction phase to ensure they won't be impacted into the future.

It may be possible post construction, during the landscaping phase of works for the Project, to determine with the RAPs and Principal a suitable location to install a small concrete box (with or without an open base) which can be sealed over with a concrete lid for the long term storage of cultural material within the Project Area. This location would be incorporated into a garden bed surrounding by plantings of native vegetation and may include a plaque or information board providing acknowledgement of Country. These measures would need to be considered and discussed with the RAPs to ensure their agreement. The images below show one possibility incorporation of such an option for reburial of cultural material within the Project area. This option would ensure that into the future there is a location within the school grounds which can be used for the long term storage of cultural material that won't be impacted by future works.



Plate 1. Image of the sequence of possible reburial option within the grounds of the Project which shows a concrete box and lid which can be incorporated into a garden area.

### **7.3 Ground disturbance protocol**

A ground disturbance permit process will be implemented during construction. The ground disturbance permit process is integral to communicate the distinction between Aboriginal heritage sites which must be avoided and the ground disturbance footprints in which Head contractor will be working.

The ground disturbance permit process will be managed by the Health, Safety and Environment (HSE) Manager and/or the Work Health, Safety and Environment Officer (WHSE Officer). The steps that will be implemented are detailed below:

- Contractors are informed in their contract and site induction that all ground disturbing activities require them to obtain a ground disturbance permit prior to starting the work.

- The ground disturbance permit must be submitted to the HSE Manager / WHSE Officer via email at least 48 hours before the work is commenced.
- The HSE Manager /WHSE Officer will compare the proposed ground disturbance area to the project footprint detailed in the current approved design and the heritage shape files.
- The HSE Manager/ WHSE Officer will visit the site to ensure the delineation of the Project Area and any *in situ* heritage sites in the vicinity of the proposed ground disturbance permit which are not proposed for impacts.
- The HSE Manager/ WHSE Officer will either issue the permit unamended or contact the contractor for further clarification.
- Once the permit has been issued, the Head contractor may commence ground works as per their contract.
- Once the work has been completed (date specified in the permit), the HSE Manager/ WHSE Officer may be required to inspect the site, request any additional clean up or remediation activities and sign-off that the conditions of the permit have been met.
- If no *in situ* Aboriginal sites are present within the vicinity (within 50 m) of the works area the permit may be approved without a site inspection.

An example of a ground disturbance permit form is provided in Appendix E.1.

## **7.4 Heritage site status database**

Prior to any works occurring onsite a database of all previously recorded Aboriginal heritage sites will be established. This database will include a GIS shape file showing the location and status of all recorded sites and as a minimum the following information:

- AHIMS number of the site;
- Site name;
- Development Consent for the site;
- Status of the site;
- Date status of site updated on AHIMS; and
- Comments.

This database will be updated by the WHSE Officer within 1 month following the salvage of a site and submission of impact site cards and/or if any new site cards within the Project area are submitted to AHIMS. An example of the Heritage site statue database for this Project is provided in Appendix E.2. The WHSE Officer and site survey team coordinate access, updating and status of the shape files.

## **7.5 Protection and delineation of Aboriginal heritage sites**

The boundaries of the Project area approved for disturbances will be clearly marked with temporary fencing installed around the school site during construction to ensure all works are within the approved area. This will ensure no impacts to the site Jindabyne Campus AFT 2 and any other Aboriginal cultural heritage sites that may be located outside of the areas of approved works.



Aboriginal cultural heritage sites within the Project area that are not to be disturbed will be demarcated (by the Head contractor) using the appropriate coloured barricading or bunting for environmentally sensitive area in accordance with the CEMP and signed as no-go zones. These 'no go' exclusion zones will be in place for the duration of construction unless salvage works as noted in this plan and as approved under the Development Consent has been undertaken at the Aboriginal sites which will be impacted.

Temporary fencing will be installed within 24 hours around the immediate location of any unexpected find and stay in place until an appropriate outcome is determined in line with the unexpected find procedure as outline in Appendix D.

Specifically, Jindabyne Campus AFT 2 will not be impacted by the works and the Project boundary fencing near this site will be marked as a no-go zone. The fencing of the area and the Aboriginal sites which are not approved to be impacted will be undertaken a minimum of 7 days prior to any construction works occurring.

A ground disturbance permit process as noted in Section 7.3 will be implemented during construction. The ground disturbance permit process is integral to communicate the distinction between heritage sites which must be avoided and the ground disturbance footprints in which construction contractors will be working.

## **7.6 Salvage collection and salvage excavation**

Salvage collection of surface artefacts will be carried out prior to construction occurring at the following Aboriginal sites if they are unable to be avoided by works:

- AHIMS# 62-1-0385 Jindabyne Campus AFT 1/ PAD 1
- AHIMS# 62-1-0386 Jindabyne Campus AFT 3/ PAD 3
- AHIMS# 62-1-0387 Jindabyne Campus AFT 4

The salvage collection methodology is outlined in Appendix C.

Salvage excavation will be carried out prior to construction occurring at the following Aboriginal site if it is unable to be avoided by works:

- AHIMS# 62-1-0385 Jindabyne Campus AFT 1/ PAD 1

The salvage excavation methodology is outlined in Appendix C.

The findings of any salvage works will be reported on with a copy of the report provided to all RAPs and Heritage NSW.

## 8. Compliance Management

### 8.1 Structure and Responsibility

The organisational structure and overall roles and responsibilities, including those for contractors and sub-contractors, are outlined in the CEMP. Specific responsibilities for the implementation of Aboriginal Heritage controls in this document are summarised in Table 7-1 and the roles and responsibilities relevant to this sub plan are outlines in Table 8-1 below. Further details regarding specific responsibilities for the implementation of environmental and heritage controls are detailed in the CEMP.

Table 8-1 Roles and responsibilities

Role	Responsibility	Authority and accountability
Project Manager	<ul style="list-style-type: none"> <li>• Ensure resources are made available to enable works to comply with CEMP and other environmental management requirements.</li> <li>• Ensure that all procedures are followed adequately.</li> <li>• Ensure appropriate approvals and licences are held.</li> <li>• Ensure all staff and contractors are aware of environmental compliance requirements and environmental controls.</li> <li>• Responsible for reporting incidents and non-compliance with the conditions of consent.</li> <li>• Ensure all non-conformance events are investigated and corrected.</li> </ul>	<ul style="list-style-type: none"> <li>• Order Stop-work for an activity that may cause material or environmental harm.</li> <li>• Order Stop work or otherwise mitigate effects of an activity that is causing harm to Aboriginal objects and/or sites.</li> <li>• Release of environmental hold points, if required.</li> <li>• Recommend Stop-work for an activity that may cause harm to an Aboriginal object.</li> </ul>
Head contractor	<ul style="list-style-type: none"> <li>• Ensure contractors are working in accordance with the requirements of the CEMP, as required under the construction contract.</li> <li>• Undertake site visits during construction to monitor compliance with CEMP requirements.</li> <li>• Report and raise any issues that arise that may have an environmental impact.</li> <li>• Report and raise the discovery of any Aboriginal heritage objects or places and cease work until the matter has been addressed.</li> </ul>	<ul style="list-style-type: none"> <li>• Report any issues that may have the potential to cause material or environmental harm.</li> <li>• Report any incidents or near-misses that may impact on the environment or breach conditions set-out in this sub plan of the CEMP.</li> <li>• Recommend Stop-work for an activity that may cause harm to Aboriginal objects</li> </ul>

**Aboriginal Cultural Heritage Management Sub-Plan**  
Jindabyne Education Campus

Role	Responsibility	Authority and accountability
	<ul style="list-style-type: none"> <li>Ensure that any changes to the schedule of works are communicated to the WHSE OFFICER /HSE in a timely manner, if environmental aspects are likely to become affected.</li> <li>Ensure works proceed with all necessary approvals.</li> <li>Ensure that all site personnel and subcontractors are aware of their responsibilities.</li> </ul>	
Health Safety and Environment (HSE) Advisor and Work Health, Safety and Environment Officer (WHSE Officer )	<ul style="list-style-type: none"> <li>Maintaining all environmental management documents.</li> <li>Identifying where environmental measures are not meeting the targets and where improvements can be achieved.</li> <li>Monitoring and reporting environmental compliance.</li> <li>Reviewing Project environmental documents.</li> <li>Reporting of incidents.</li> <li>Motivate compliance with this sub plan</li> <li>Confirm that all necessary cultural heritage controls are implemented and maintained for the duration of the construction works</li> <li>Assist with investigation of all non-conformance events and ensure any such events are investigated and corrected.</li> </ul>	<ul style="list-style-type: none"> <li>Recommend Stop-work for an activity that may cause material or environmental harm.</li> <li>Release of environmental hold points, if required.</li> <li>Recommend Stop-work for an activity that may cause harm to Aboriginal objects</li> </ul>
Employees and Subcontractors	<ul style="list-style-type: none"> <li>Stop work immediately when an unexpected heritage find is encountered. Cordon off area until SEA advises that work can recommence.</li> </ul>	<ul style="list-style-type: none"> <li>Follow the unexpected find procedure</li> </ul>
Project archaeologist	<ul style="list-style-type: none"> <li>Acting as an environmental subcontractor, specialist work as required.</li> <li>Operate as instructed by the Project Manager/ Principal / Head contractor in compliance with all environmental requirements.</li> </ul>	<ul style="list-style-type: none"> <li>Undertake salvage works of sites as approved in the Development Consent and subsequent reporting, including impact site cards if applicable.</li> <li>Inspection of unexpected finds as required.</li> </ul>

## **8.2 Training**

To ensure that this ACHMSP is effectively implemented, each level of management is responsible for ensuring that all personnel reporting to them are aware of the requirements of this plan. The Health Safety and Environment (HSE) personnel will coordinate the environmental training in conjunction with other training and development activities (e.g., safety). A record of this training will be maintained by the HSE personnel.

All employees, contractors, sub-contractors and utility staff working on site will receive Aboriginal Cultural Heritage Awareness Training. It will be provided to all personnel in the form of an induction before they begin work on site. This training will address elements related to Aboriginal cultural heritage management including:

- Aboriginal Heritage obligations under the Project Development Consent and Relevant legislation
- Existence and requirements of this management plan
- Roles and responsibilities for Aboriginal cultural heritage management
- Location of any identified no-go areas and management measures
- Procedure to follow in the event of an unexpected Aboriginal cultural heritage item find or discovery of human remains during works

Where possible any training and/or cultural awareness will involve the Registered Aboriginal Parties and/or the local Aboriginal community. and provided to before commencing work on-site.

Targeted training in the form of toolbox talks or specific training will also be provided to personnel with a key role in Aboriginal heritage management. Examples of training topics include:

- Unexpected finds procedure
- No-go areas around heritage items.

A refresher induction and/or additional training will be implemented following any incident that involves Aboriginal heritage. If future revision of the ACHMSP occurs consideration must be given as to whether a refresher induction and/or additional training will be undertaken.

Further information regarding staff induction and training are outlined in the CEMP.

## **8.3 Inspections and Monitoring**

Periodic inspection of the Aboriginal heritage site/s located within the Project area which are not approved to be impacted, as per the Development Consent and noted in this subplan, will take place for the duration of construction of the Project. The Aboriginal site/s which are not approved to be impacted, will be identified by the Project Archaeologist and/or the WHSE Officer and marked by fencing to ensure there are no inadvertent impacts during the construction of the Project. The fencing of the Aboriginal site/s which are not approved to be impacted will be undertaken a minimum of 7 days prior to any construction works occurring. Inspection of these sites will occur fortnightly during construction by the WHSE Officer. Requirements and responsibilities in relation to monitoring and inspections are documented in the CEMP.

The objective of inspections and monitoring will be to validate the impacts predicted for the Project, to measure the effectiveness of the heritage controls and implementation of the CEMP, and to address specific obligations. The Principal and Head contractor will respond in a timely manner to any requests relating to monitoring or the effectiveness of heritage/environmental controls and their implementation raised by NSW Government Agencies.

The report provided by the Project Archaeologist following the completion of the salvage programme would also provide comment on the effectiveness of heritage controls relevant to the salvage programme.

Any stone artefacts collected and/ or recovered during the salvage program will be relocated and buried at a safe location outside the approved development footprint within the Project area, or other long term management option as agreed to by the registered Aboriginal parties. The relocation site/s of the salvaged stone artefacts and subsurface artefacts recovered during the subsurface testing program will also be subject to fencing, monitoring and inspection to ensure there are no inadvertent impacts during the construction of the Jindabyne Education Campus. Inspection of the relocation site/s will occur fortnight during construction by the WHSE Officer . All inspections of heritage sites will be undertaken following a reporting checklist.

## **8.4 Auditing**

Audits (both internal and external) will be undertaken to assess the effectiveness of environmental controls, compliance with this sub plan and other relevant approvals, licenses, and guidelines.

Aboriginal heritage must be included within any major environmental audit of impacts undertaken during the construction and operation phases of works for the Project.

Audit requirements are detailed in the CEMP and must comply with the Development Consent Schedule 3 Conditions C40 to C45.

## **8.5 Contingency Plan and Reporting**

Contingency plan and reporting requirements and responsibilities are documented in the CEMP and would comply with the Development Consent.

### **8.5.1 Contingency Plan and Reporting Human Remains**

If any human remains or suspected human remains are discovered during any works, all activity in the area must cease immediately and the Unexpected Finds Protocol which is provided in Appendix D of this sub plan must be followed to report the find. The NSW Police must be notified immediately.

Details of the location and nature of the human remains must be provided to the relevant local police (Jindabyne Police Station). If there are reasonable grounds to believe that the remains are Aboriginal, Heritage NSW must also be contacted as soon as practicable, and you must provide any available details of the remains and their location. Heritage NSW Environment Line can be contacted on 131 555. If the find is determined to be Aboriginal Heritage NSW will provide advice on any additional reporting requirements. Works at the immediate location of the find may only recommence with the written approval of the Planning Secretary.

### **8.5.2 Contingency Plan and Reporting Unexpected Finds**

If any previously unidentified heritage items are found the Unexpected Finds Protocol which is provided in Appendix D of this sub plan must be followed to report the find. The Unexpected Finds Protocol as noted in the Development Consent Schedule 2 Conditions C29 as noted below must be followed.

In the event that surface disturbance identifies a new Aboriginal object:

- a) all works must halt in the immediate area to prevent any further impacts to the object(s);

- b) a suitably qualified archaeologist and the registered Aboriginal representatives must be contacted to determine the significance of the objects;
- c) the site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) which is managed by Heritage NSW and the management outcome for the site included in the information provided to AHIMS;
- d) the Applicant must consult with the Aboriginal community representatives, the archaeologists and Heritage NSW to develop and implement management strategies for all objects/sites; and
- e) works may only recommence with the written approval of the Planning Secretary.

## **8.6 Incident and Non- Compliance Notification and Reporting**

Non-compliance is defined in the Development Consent as an occurrence, set of circumstances or development that is a breach of the consent but is not an incident.

An incident is defined in the Development Consent a set of circumstances that causes or threatens to cause material harm and which may or may not be, or cause, a non-compliance. Material Harm is harm that:

- involves actual or potential harm to the health or safety of human beings or to ecosystems that is not trivial; or
- results in actual or potential loss or property damage of an amount, or amounts in aggregate, exceeding \$10,000 (such loss includes the reasonable costs and expenses that would be incurred in taking all reasonable and practicable measures to prevent, mitigate or make good harm to the environment)

Instances of non-compliance and/or incident notification will be recorded and raised with the relevant authorities as per the Development Consent conditions A28 to A33. These conditions note that the Planning Secretary must be notified by email through the major projects portal immediately after one becomes aware of an incident and within seven (7) days after a non- compliance issue.

The notification to the Planning Secretary via the major projects portal must identify the development (including the development application number) and set out the location and nature of the incident. A non-compliance that has been notified as an incident does not need to also be notified as a non-compliance.

Subsequent notification requirements must be given, and reports submitted in accordance with the requirements set out in Development Consent Appendix 2 which have the steps outlined below for Heritage non- compliance and incidents.

1. Written incident notification must be submitted to the Planning Secretary by email through the major projects portal within seven (7) days after the incident is known about. Written notification of an incident must identify the development and application number and the following items:
  - Provide details of the incident (date, time, location, a brief description of what occurred and why it is classified as an incident);
  - Identify how the incident was detected and when you became aware of the incident;
  - Identify any actual or potential non-compliance with the Development Consent;
  - Describe what immediate steps were taken in relation to the incident and identify further action(s) that will be taken in relation to the incident; and

- Identify a project contact for further communication regarding the incident.
2. Within 30 days of the date on which the incident occurred (or as otherwise agreed to by the Planning Secretary), an incident report will be provided to the Planning Secretary and any relevant public authorities (as determined by the Planning Secretary). The Incident Report must include:
- A summary of the incident;
  - Outcomes of an incident investigation, including identification of the cause of the incident;
  - Details of the corrective and preventative actions that have been, or will be, implemented to address the incident and prevent recurrence; and
  - Details of any communication with other stakeholders regarding the incident.



## **9. Review and Improvement**

### **9.1 Continuous Improvement**

Continuous improvement of this sub plan will be achieved when opportunities for improvement are identified. Any proposed improvement and/or changes to this sub plan are required to be approved by the Planning Secretary prior to implementation.

The continuous improvement process will be designed to:

- Identify areas of opportunity for improvement of environmental management and performance.
- Determine the cause or causes of non-conformances and deficiencies.
- Develop and implement a plan of corrective and preventative action to address any non-conformances and deficiencies.
- Verify the effectiveness of the corrective and preventative actions.
- Document any changes in procedures resulting from process improvement.
- Make comparisons with objectives and targets.

### **9.2 ACHMSP Update and Amendment**

During the Project, a hard copy of the most recent version of this sub plan will be stored at the main site compound. It is the responsibility of the Environmental Officer to ensure this hard copy is the most recent version and to remove older versions of the plan once they are superseded at the main site compound.

The processes and plans described in the CEMP may result in the need to update or revise this Plan. Any revision of the ACHMSP is to ensure it incorporates any recommended measures to improve the environmental performance of the development. Any proposed changes to this sub plan are required to be approved by the Planning Secretary prior to implementation.

A copy of the updated ACHMSP with any changes, once approved by the Planning Secretary, will be distributed to all relevant stakeholders in accordance with the approved document control procedure (refer to the CEMP) and to the RAPs (as noted in Section 4 of this Plan).

In the instance of any modification to the Development Consent which changes any element of this sub plan the ACHMSP will be reviewed within three (3) months and if revisions of the sub plan is required this sub plan will be submitted to the Planning Secretary for approval and comply with the Development Consent Schedule 2 condition A13 (Staging, Combining and Updating Strategies, Plans or Programs) and Condition A34 and A35 (Revision of Strategies, Plans and Programs).

In the instance of an incident report (Development Consent Schedule 2 condition A30) or an audit report (Development Consent Schedule 2 condition C41 or C42) which notes non-compliance for Heritage the ACHMSP will be reviewed within three (3) months and if revisions of the plan is required the revised sub plan will be submitted to the Planning Secretary for approval and comply with the Development Consent Schedule 2 Condition A34 and A35 (Revision of Strategies, Plans and Programs) and Development Consent Schedule 2 Condition A13 (Staging, Combining and Updating Strategies, Plans or Programs).



## **10. General Project Communications**

The CEMP and associated Community Consultation Plan (CCP) details the processes that will be used to keep the local community and relevant agencies informed about the operation and environmental performance of this Project. The main point of contact with DPE for this Project will be via the major projects portal at the website listed below.

<https://pp.planningportal.nsw.gov.au/major-projects/projects/new-education-campus-jindabyne-new-primary-and-high-school>

While a number of steps will be implemented in order to engage with the community and other stakeholders throughout the various stages of the development as detailed in the CEMP and CCP, one of the main portals for community engagement will be via the NSW Department of Education- School Infrastructure website. The website will be used to provide general updates as relevant about the progress of the Jindabyne Education Campus development. The website can be accessed at:

<https://www.schoolinfrastructure.nsw.gov.au/projects/j/jindabyne-education-campus.html>

The NSW Department of Education- School Infrastructure website for this Project will be regularly updated throughout all stages of the proposed development and include information such as:

- Layout and general overview of the development.
- How complaints about the development can be made and a complaints handling procedure.
- Contact details of the Proponent or online contact form.

A link to the Major Projects website is also provided, which contains information relating to:

- Assessments undertaken for the Project
- Current statutory approvals for the development.

The procedures for dispute resolution will be undertaken in accordance with the Complaint's Procedure which is detailed in the CEMP. All complaints received via post, phone, email or the project website during construction will be recorded and responded to. It is the intention of the Principal and Head contractor to maintain an open and clear relationship with all stakeholders to prevent complaints from arising. Should the resolution of a complaint not be able to be reached by both parties, following presentation of investigation results to the complainant, either party may refer the dispute to an independent mediator and/or follow the steps outlined in the complaints procedure as detailed in the CEMP.

## **11. References**

DECCW NSW 2010a, *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*.

DECCW NSW 2010b, *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.

NGH Pty Ltd, 2021, *Aboriginal Cultural Heritage Assessment Jindabyne Education Campus Draft*, Unpublished report for Mecone.

NGH Pty Ltd, 2022a, *Aboriginal Cultural Heritage Assessment Jindabyne Education Campus*, Unpublished report for Mecone.

NGH Pty Ltd, 2022b, *Archaeological Technical Report Jindabyne Education Campus - Subsurface Testing Assessment*. Unpublished report for Mecone.

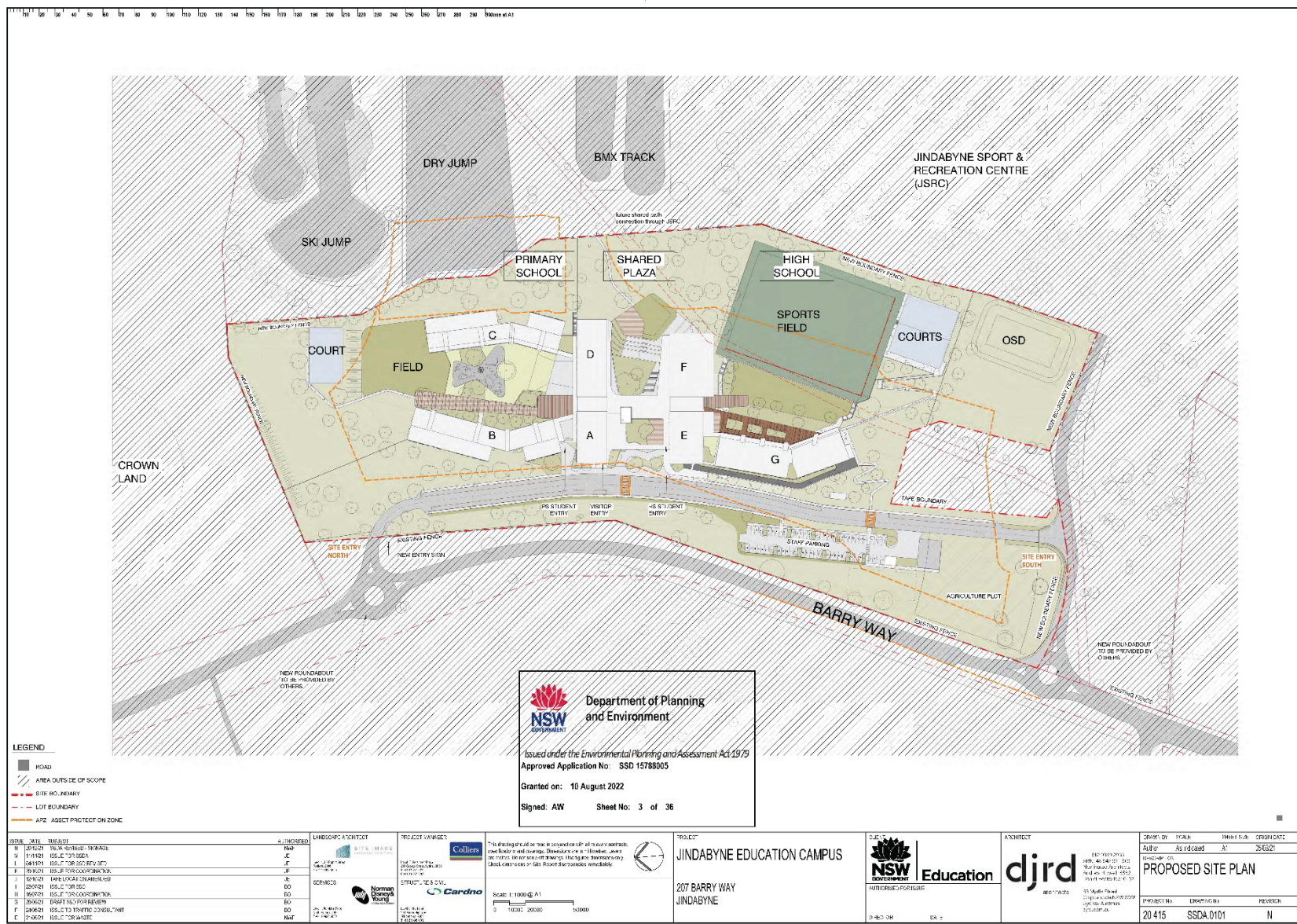
Mecone, 2021. *Environmental Impact Statement Jindabyne Education Campus (SSD 15788005)*, Prepared on behalf of NSW Department of Education.

Mecone, 2022, *Submissions Report New Education Campus at 207 Barry Way, Jindabyne SSD-15788005*, Prepared on behalf of NSW Department of Education.

OEH 2011, *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW*.

## **Appendix A Approved Layout of Development**

Aboriginal Cultural Heritage Management Sub-Plan  
Jindabyne Education Campus



## Appendix B Stakeholder Consultation

The Registered Aboriginal Parties for this project are listed below. Please note this does not include the details of the six RAPs who did not want their details released. To obtain these details this consultation must go through the Project Archaeologist and/or permission granted to by these RAPs to have their details held confidentially by the Environmental Officer.

Organisation	Contact Name	Email
Ngarigo and Djiringanj people and Elders	John Dixon	<a href="mailto:begadel@yahoo.com">begadel@yahoo.com</a>
Wagonga Local Aboriginal Land Council	Cheryl Moreton	<a href="mailto:wlalc@bigpond.net.au">wlalc@bigpond.net.au</a> <a href="mailto:wagongalandsCouncil@gmail.com">wagongalandsCouncil@gmail.com</a>
Ngarigu Brajerak	Ellen Mundy	<a href="mailto:ngarigubrajerak@gmail.com">ngarigubrajerak@gmail.com</a>
PD Ngunawal Consultancy	Tammy Muscat	<a href="mailto:pd.ngunawalconsultancy@gmail.com">pd.ngunawalconsultancy@gmail.com</a>
Yurwang Gundana Cultural Heritage Services	Dean Bell	<a href="mailto:Yurwang.Gundana.C.H.S@outlook.com">Yurwang.Gundana.C.H.S@outlook.com</a>
Gulgunya Ngunawal Heritage Aboriginal Consultancy (GNHAC)	Glen Freeman	<a href="mailto:gulgunyaNHAC@hotmail.com">gulgunyaNHAC@hotmail.com</a>
Didge Ngunawal Clan	Lilly Carroll	<a href="mailto:didgengunawalclan@yahoo.com.au">didgengunawalclan@yahoo.com.au</a>
Clive Freeman	Clive Freeman	<a href="mailto:clive.freeman@y7mail.com">clive.freeman@y7mail.com</a>
Ngunawal Heritage Aboriginal Corporation	Dean Deplonte	<a href="mailto:ngunawalhac@gmail.com">ngunawalhac@gmail.com</a>
Ngarigo Nation Indigenous Corporation	Michelle Francis	<a href="mailto:ngarigonation@gmail.com">ngarigonation@gmail.com</a>
Muragadi Heritage Indigenous Corporation	Jesse Johnson	<a href="mailto:muragadi@yahoo.com.au">muragadi@yahoo.com.au</a>
Murri Bidgee Mullangari Aboriginal Corporation	Darleen Johnson	<a href="mailto:murrabidgeemullangari@yahoo.com.au">murrabidgeemullangari@yahoo.com.au</a>
Merrigarn Indigenous Corporation	Shaun Carroll	<a href="mailto:merrigarn@hotmail.com">merrigarn@hotmail.com</a>
Bega Local Aboriginal Land Council	Glenn Willcox	<a href="mailto:ceo_begalalc@commander.net.au">ceo_begalalc@commander.net.au</a>
Wolgalu Umbe Traditional Custodians Corporation	Olivia Williams	<a href="mailto:Wolgaluumbe@outlook.com">Wolgaluumbe@outlook.com</a>
Redacted Group #1	Not publicly available	Not publicly available
Redacted Group #2	Not publicly available	Not publicly available
Redacted Group #3	Not publicly available	Not publicly available
Redacted Group #4	Not publicly available	Not publicly available
Redacted Group #5	Not publicly available	Not publicly available



## Appendix C Salvage Methodology

### C.1 Surface Collection

Each Aboriginal site with surface artefacts that cannot be avoided within the approved development footprint as listed in Section 7.6 of this sub plan will need to be salvaged via surface collection prior to construction works for the Project commencing at each site location. We would also take the opportunity to examine the immediate surrounds of the recorded sites to identify any other artefacts that may be present within the approved development footprint that are associated with the sites approved for impact. The salvage collection fieldwork would be carried out with representatives of the Aboriginal community as selected by the Head contractor and/or Principal. As a minimum and in line with the Development Consent the Bega LALC would be invited to participate.

The surface collection of the stone assemblage for each Aboriginal site within the approved development footprint as per the recommendations of the ACHAR and approved by the Development Consent, would be undertaken through the following process.

- All reasonable attempts would be made to relocate the originally recorded surface stone artefacts however it is acknowledged that changes in the visibility and standard taphonomy and other environmental factors may impede the relocation of all of the previously recorded stone artefacts.
- Walk across the site areas (within the approved development footprint), use 'pin' flags to identify and mark artefacts.
- Photograph site area.
- If considered necessary, construct a collection grid of 2 m x 2 m or 5 m x 5 m or similar as appropriate to the size of the site, only larger sites or sites with higher densities of artefacts will have this strategy.
- As an alternative, GPS plot artefacts if required, this is suitable for smaller sites (~<20).
- Collect artefacts. At each collection site the artefacts will be recorded, bagged and labelled in accordance with their collection position, that is either individual number and/or their collection grid.
- Recording of stone artefacts will be conducted in line with standard archaeological practice to include raw material, type, dimensions and any other characteristics considered relevant and in accordance with the Code of Practice. Photos of particularly rare items only or those asked to be photographed by the Aboriginal representatives onsite would be taken.
- The salvaged Aboriginal objects may be temporarily stored until the long-term management and relocation of the salvaged objects can occur.
- The site of the relocated salvaged Aboriginal objects would be noted by the submission of site cards to the Aboriginal Heritage Information Management System (AHIMS) as legally required.
- An Aboriginal Site Impact Recording Form must be completed and submitted to AHIMS following harm for each site collected or destroyed from salvage.

## **C.2 Salvage Excavation**

The salvage excavation will be undertaken by hand excavation to retrieve a suitable sample of Aboriginal stone artefacts in up to two open areas which had the highest density of subsurface artefacts recovered from PAD 1 during the initial subsurface test excavations undertaken by NGH. Salvage excavation would occur in a minimum of one open area of 2m x 2m around the location of PAD 1 TP1 where the highest density of artefacts was recorded during the testing if impacts to this location cannot be avoided. Options for additional expansion or opening of a second area for salvage excavation (likely near PAD 1 Test Pit 5) if determined to be warranted by the archaeologist in consultation with the RAPs onsite has been provided as a provision in this methodology.

The excavation would aim to “follow” any high density artefactual presences to enable as much of a sample of stone artefacts to be recovered as possible prior to impacts for the site Jindabyne Campus AFT 1/PAD 1. The salvage excavation will occur in a minimum of one open excavation areas of a minimum 2m x 2m centred around the locations of PAD 1 TP 1 with the option to open an additional 2 x 2m area near TP 5 PAD1 within the approved disturbance footprint of the Jindabyne Education Campus (as shown in the figure below). All excavations and sieving should be undertaken with the assistance of a minimum of two representatives from the registered Aboriginal Parties (as selected by the Principal, Project Manager and/or Principal Construction company).

Where a sufficient number of artefacts continue to be recovered, excavation would continue up to a point where a maximum 8m<sup>2</sup> area is achieved across the site Jindabyne Campus AFT 1/PAD 1. Where artefacts were not found or where density numbers consistently drop below comparative pits, excavation would cease at the completion of the salvage providing a at least one area with a minimum of 2m x 2m area has been excavated within the site Jindabyne Campus AFT 1/PAD 1.

Soil samples and charcoal may be retained for analyses where it is considered warranted to answer questions about the taphonomy of the site and the relationship of cultural finds.

Hand excavation will proceed in the open area/s through the following standard excavation methodology:

- Set out grid of 1 m squares, excavation will proceed in one square metre units, each of which will be assigned an alpha-numeric identifier;
- All excavation will be carried out using manual hand tools including shovels, crowbar, mattocks and trowels.
- All excavation units will be in 10 cm spits down to either clay, a culturally sterile depth as determined by previous test excavation, the base of extant A horizon or until excavation is unable to continue deeper by hand (whichever occurs first).
- If encountered, charcoal and or other organic material deemed suitable for radiocarbon dating will be collected using best practice guidelines.
- Pit stratigraphy for each excavation unit will be recorded using standard recording forms, terminology and methods.
- Dry sieving or wet sieve, as deemed to be appropriate by an archaeologist, would be undertaken with all material processed through either a 5 mm or 3 mm sieve;
- Artefacts recovered from sieving will be retained in plastic zip lock bags and labelled with the appropriate provenance data
- Representative and otherwise notable soil profiles if present will be photographed and drawn to scale as the excavation progresses.



## Aboriginal Cultural Heritage Management Sub-Plan Jindabyne Education Campus

- Once completed a photographic record of the entire excavation will be made and an overall site plan produced;
- All excavation units if required will be backfilled upon completion of the salvage program if required to be warranted by the Principal , project manager, construction company and/or landowner. If backfilling after wet sieving (if undertaken) is warranted this would be facilitated by the Principal , project manager and/or construction company.
- Analyse finds in lab to confirm if Aboriginal artefacts and then fully record Aboriginal stone objects in line with standard archaeological practice and in accordance with the Code of Practice.



Location of test pit 1 and 5 in PAD1 which were recommended for salvage excavation.

### **C.3 Management of recovered material and Reporting**

The salvaged objects may be temporarily held at secure locked cabinet at the NGH Canberra office for analysis and recording until an appropriate time as they can be arranged to be relocated and the long term management undertaken and/or implemented. The temporary storage of salvaged objects, if required, is not intended to exceed 24 months from the conclusion of the construction of the education campus.

If the long term management is determined to be burial of the material the relocation site for the Aboriginal objects salvaged and those recovered from the subsurface test excavation which are currently in temporary care of the NGH Canberra office would need to be agreed to by the Principal, Project Archaeologists and RAPs and be outside any areas of proposed future works. The site/s for the relocation of salvaged Aboriginal objects would be noted by submission of site cards to the Aboriginal Heritage Information Management System (AHIMS) as legally required.

An Aboriginal Site Impact Recording Form must be completed and submitted to AHIMS following harm for each site collected or destroyed from salvage and/or construction works. Representatives from the RAPs would be provided with the opportunity to assist the Project Archaeologist with the salvage programme and the relocation of the salvaged objects. Generally, a minimum of two representative from the RAPs would be invited to participate in the salvage programme and the relocation of the Aboriginal salvaged objects. If representatives from the RAPs are not available to participate and all reasonable opportunities have been afforded, the collection and relocation of Aboriginal objects, would continue as scheduled by the Project Archaeologist.

The recording and relocation of artefacts will be compliant with the Code of Practice for Archaeological Investigations [http://www.environment.nsw.gov.au/resources/cultureheritage/10783\\_FinalArchCoP.pdf](http://www.environment.nsw.gov.au/resources/cultureheritage/10783_FinalArchCoP.pdf)

A brief salvage report will be prepared outlining the steps taken above. The report will also be provided as a minimum to Heritage NSW and the RAPs. The report would document the salvage program and its results. The report may also be used to inform the independent environmental audit, which would include Aboriginal heritage.

The salvage report would include, as applicable, the following:

- Introduction
- Purpose and objective
- Aboriginal involvement and consultation
- Surface collection salvage
  - Surface collection methodology
  - Surface collection results
  - Surface collection Discussion
- Salvage excavation (if required)
  - Salvage excavation methodology
  - Salvage excavation results
  - Salvage excavation discussion
- Relocation and burial of salvaged objects and/or temporary storage information
- Conclusions

## Appendix D Unexpected Finds Protocol

### Introduction

This unexpected find protocol has been developed to provide a method for managing unexpected Aboriginal heritage items identified during the construction and operation of the Project. The unexpected find protocol has been developed to ensure the successful delivery of the Project while adhering to the NSW *National Parks and Wildlife Act 1974* (NPW Act) and the Development Consent.

All Aboriginal heritage objects are protected under the NPW Act Under Part 6 of the Act, though in a State Significant Development (SSD) Development Consent may be issued that allows for conditional harm to Aboriginal objects. However, there are some circumstances where despite undertaking appropriate heritage assessment prior to the commencement of works Aboriginal cultural heritage items are encountered that were not anticipated that may be of scientific and/or cultural significance.

Therefore, it is possible that unexpected heritage items may be identified during construction, operation, and maintenance works. If this happens the following unexpected find protocol will be implemented to avoid breaching obligations under the NPW Act. This unexpected find protocol provides guidance as to the circumstances under which finds may occur and the actions subsequently required.

### What is an Unexpected Find?

An unexpected heritage find is defined as any possible Aboriginal heritage object or place, that was not identified or predicted by the Projects heritage assessment and is not covered by appropriate permits or development consent conditions. Such finds have potential to be culturally significant and may need to be assessed prior to development impact.

Unexpected Aboriginal heritage finds may include:

- Aboriginal stone artefacts, shell middens, modified trees, mounds, hearths, stone resources, rock shelters, rock art and stone arrangements; and
- Human skeletal remains.

### Aboriginal Heritage places or objects

All Aboriginal objects are protected under the NSW *National Parks and Wildlife Act 1974* (NPW Act).

An Aboriginal object is defined as:

*Any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with the occupation of that area by persons on non-Aboriginal extraction and includes Aboriginal remains.*

All Aboriginal objects are protected, and it is an offence to harm or desecrate an Aboriginal object or place.

### Unexpected find management protocol

In the event that any unexpected Aboriginal heritage places or objects are discovered during the Project, the following management protocols will be implemented. These protocols are in line with the unexpected finds protocol – Aboriginal heritage (condition C29 of the Development Consent).

**Note: this process does not apply to human or suspected human remains. Follow Section D.1 Human Skeletal Remains below if remains or suspected remains are encountered.**

In the event that surface disturbance identifies a new Aboriginal object:

1. All works must halt in the immediate area of the heritage item to prevent any further impacts to the object(s). Personnel should notify their supervisor of the find, who will notify the project manager.
2. A suitably qualified archaeologist (or the Project Archaeologist) and the registered Aboriginal representatives must be contacted to determine the significance of the objects.
3. The site is to be registered in the Aboriginal Heritage Information Management System (AHIMS) and the management outcome for the site included in the information provided to AHIMS.
4. Aboriginal community representatives, the archaeologists and Heritage NSW must be consulted to develop and implement management strategies for all objects/sites
5. Works may only recommence with written approval of the Planning Secretary.

### D.1 Unexpected Human Skeletal Remains

If any human remains or suspected human remains are discovered during any works, all activity in the area must cease immediately. The following plan describes the actions that must be taken in instances where human remains, or suspected human remains are discovered. Any such discovery at the activity area must follow these steps.

#### Discovery:

- If any human remains or suspected human remains are found during any activity, works in the vicinity **must** cease and the Project Manager must be contacted immediately.
- The remains must be left in place and protected from harm or damage. To protect the remains until their origins can be determined high visibility markers or temporary fencing which will not cause ground disturbance must be immediately placed a minimum of 10 m around the location of the human remains or suspected human remains by site personnel. A minimum no work buffer zone radius of 50 m must be implemented around the remains by taping off the area as an environmental sensitive zone.
- All personnel should then leave the fenced off area immediately.
- The Environmental Officer is responsible to ensure that these temporary measures are implemented onsite within 24 hours of identification.

#### Notification:

- The NSW Police must be notified immediately. Details of the location and nature of the human remains must be provided to the relevant authorities.
- If there are reasonable grounds to believe that the remains are Aboriginal, the following must also occur:

***Aboriginal Cultural Heritage Management Sub-Plan***  
***Jindabyne Education Campus***

- a. Heritage NSW must be contacted as soon as practicable, and you must provide any available details of the remains and their location. Heritage NSW Environment Line can be contacted on 131 555.
- b. The relevant Aboriginal community groups must be notified immediately when the remains are confirmed to be Aboriginal, as advised by Heritage NSW.
- c. The relevant Project Archaeologist may be contacted to facilitate communication between the police, Heritage NSW and Aboriginal community groups.

**Process:**

- If the remains are considered to be Aboriginal by the Police and Heritage NSW no work can recommence at the particular location unless authorised in writing by Heritage NSW and the Planning Secretary
- Recording of Aboriginal ancestral remains must be undertaken by, or be conducted under the direct supervision of, a specialist physical anthropologist or other suitably qualified person.
- Archaeological reporting of Aboriginal ancestral remains must be undertaken by, or reviewed by, a specialist physical anthropologist or other suitably qualified person, with the intent of using respectful and appropriate language and treating the ancestral remains as the remains of Aboriginal people rather than as scientific specimens.
- If the remains are considered to be Aboriginal by the Police and Heritage NSW, an appropriate management and mitigation, or salvage strategy will be implemented following further consultation with the Aboriginal community and Heritage NSW.

## **Appendix E Sample registers**



## E.1 Ground disturbance permit - Heritage

<b>Project: Jindabyne Education Campus</b>	<b>Project No:</b>
<b>Requested By:</b>	
<b>Start Date:</b>	<b>Expected Completion Date:</b>

**CLEARING LOCATIONS – ATTACH DRAWINGS / SKETCHES IF NECESSARY**

Location	Comments
This section will be completed by either the Health, Safety and Environment (HSE) Manager or the Work Health, Safety and Environment Officer (WHSE Officer), with reference to constraints mapping.	
<b>Are there any recorded Aboriginal Heritage sites within the vicinity (within 50 m) of the works?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Has salvage of the Aboriginal Heritage sites within the vicinity (within 50 m) of the works previously been completed to date.</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>State the AHIMS number of the site/s present in the vicinity (within 50 m) of the works if not salvaged to date.</b>	
<b>Are the Aboriginal Heritage site/s listed as do not impact in the Development Consent for the Project?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>Has the site been appropriately buffered and delineated if it remains <i>in situ</i>?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>Have relevant workers been given toolbox talks about working near <i>in situ</i> Aboriginal Heritage sites and the heritage unexpected finds protocol?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
<b>Is a site inspection of the work area required by the HSE or WHSE Officer (heritage sites within 50 m of the works)?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Is a sign-off of this form required once works have been completed (heritage sites within 50 m of the works)?</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Comments:</b>	



**APPROVALS**

<b>Site Inspection completed by HSE or WHSE Officer (if required):</b> Signature Required	<b>Date:</b>
<b>Approval by HSE or WHSE Officer:</b> Signature Required	<b>Date:</b>

**IS A SIGN-OFF (ONCE WORKS COMPLETED) REQUIRED**

☐ Yes ☐ No

<b>Have the conditions of the permit been met if a sign off is required?</b> HSE or WHSE Officer Signature Required	<input type="checkbox"/> Yes <input type="checkbox"/> No  <b>Date:</b>
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**Note:** Sign off required if works within 50m of a heritage site or if other matters are raised.

## E.2 Heritage site status database example

AHIMS#	Site name	Development Consent for site	Site Status	Date status of site updated on AHIMS	Comments
62-1-0385	Jindabyne Campus AFT 1 / PAD 1	Subsurface and surface salvage prior to impact	Active		
62-1-0386	Jindabyne Campus AFT 3 / PAD 3	Surface salvage prior to impact	Active		
62-1-0387	Jindabyne Campus AFT 4	Surface salvage prior to impact	Active		
62-1-0392	Jindabyne Campus AFT 2	Outside Project Area. Establish 5m no-go zone to ensure no inadvertent impacts	Active		
62-1-0410	Jindabyne Campus PAD 2	No mitigation required prior to impact	Active		