

5 April 2024



Hansen Yuncken Pty Ltd  
Suite 12/125 Bull Street  
Newcastle West NSW 2302

**Re: 22-437 –Jindabyne Education Campus Heritage Advice – Removal of Condition B20 of Schedule 2**

NGH Pty Ltd (NGH) have been requested to provide further information about the recommendation in the salvage report for the Jindabyne Education Campus Project (NGH 2023) that:

...the Development Consent be modified to remove the condition for Jindabyne Campus 2 to be protected in perpetuity (Condition B20 of Schedule 2).

**Project Background**

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 now Lot 1 DP1294413) 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.

NGH (2022b) prepared an Aboriginal Cultural Heritage Management Sub-Plan (ACHMSP) to describe how impacts on Aboriginal heritage will be minimised and managed during construction and operation of the Project. NGH undertook surface collection and salvage excavation with the assistance of members of the representative Aboriginal parties (RAPs) for the Project in November to December 2022 to comply with the conditions and recommendations in the Aboriginal Cultural Heritage Assessment (ACHA) for the Project (NGH 2022a), ACHMSP (NGH 2022b) and the Development Consent.

**Site Jindabyne Campus AFT 2 (#62-1-0392)**

Information relating to the recent management history of this site, as detailed in the salvage report for the Project (NGH 2023:14), is outlined in full below.

*The AHIMS site #62-1-0392 / Jindabyne Campus AFT 2 is outside of the Project Area for the Jindabyne Education Campus. This site was recorded as part of the survey undertaken for the ACHA and was recommended that a no-go area with a 5m buffer should be established prior to construction works to ensure this site was not impacted (NGH 2022a). The Development Consent for the Project required the ACHMSP to describe the measures to protect the known artefact Jindabyne Campus AFT 2 in perpetuity (Condition B20 of Schedule 2). The ACHMSP for the Project (NGH 2022b:19) has the following requirement:*

*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 (Hansen Yuncken Pty Ltd) 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.*

*Jindabyne Campus AFT 2, a quartz flaked piece (isolated find) was identified in a small exposure at the base of a former golf tee. This site is located outside of the Project Area for the Jindabyne Education Campus within the adjoining TAFE development site. NGH had discussions with Hansen Yuncken prior to the salvage and identified that this site had been impacted by construction works not undertaken for this Project. During*

**Canberra**

8/27 Yallourn Street (PO Box 62) Fyshwick ACT 2609

T. (02) 6280 5053 E. [nggh@nghconsulting.com.au](mailto:nggh@nghconsulting.com.au) W. [nghconsulting.com.au](http://nghconsulting.com.au) ABN 31 124 444 622 ACN 124 444 622

*the surface collection on 28 November 2022 NGH archaeologists and Aboriginal community members confirmed that this site had been impacted through substantial ground surface disturbance as part of construction of the adjoining TAFE development. The extent of the ground surface disturbance is evident in Plate 1, Plate 2 and Plate 3 (showing the current condition as of November 2022) are contrasted with Plate 4 which shows the condition of the site at the time it was recorded. The impact to this site, although outside of the Project Area, is a non-compliance with the Development Consent for the Project. It is unclear what, if any permits, this site was impacted under, and this impact should be reported to Heritage NSW Enviroline and reported as a non-compliance for the Project. As this site is outside of the Jindabyne Education Campus Project Area and the Project has no control over what happens to sites outside of their Project Area it is recommended that the Development Consent is modified to remove the condition relating to Jindabyne Campus AFT 2 (#62-1-0392).*

*Subsequent to the heritage fieldwork being undertaken, fencing has been installed within the Project Area for the Jindabyne Education Campus to establish a no-go zone to the location of AFT 2 (see Plate 5 and Plate 6) to ensure no impacts to this site from the construction and to comply with the Development Consent and ACHMSP for the project.*

The significance of the site was assessed in the ACHA for the Project (NGH 2022a). The site – Jindabyne Education Campus AFT 2 (#62-1-0392) was assessed as having a low scientific value and a moderate cultural value with an overall low significance.

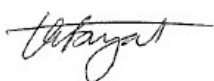
NGH notes that as this site (AHIMS site #62-1-0392 / Jindabyne Campus AFT 2) is not within the Project Area of the Jindabyne Education Campus and has been destroyed by construction of the adjoining TAFE, the Development Consent conditions relating to this site and the Jindabyne Education Campus project are no longer valid or enforceable. It is recommended therefore, that the Conditions of Consent be modified to remove the condition for Jindabyne Campus 2 to be protected in perpetuity (Condition B20 of Schedule 2). This would then mean that the fencing could be removed and there would no longer be a requirement for a fence along the boundary adjacent to the recorded location of AHIMS site #62-1-0392 / Jindabyne Campus AFT 2 during the construction and operation of the new Jindabyne Education Campus.

This letter of advice may be used in support of a modification application for the Development Consent of the Project to support the removal of this condition.

In addition, it is noted that the Registered Aboriginal Parties (RAPs) for the Project had advised that the wording in the heritage management plan based on the wording in the Development Consent regarding the mitigation works and unexpected finds should be changed. They wished to change from specifically noting the Local Aboriginal Land Council (LALC) be involved, to stating that *Aboriginal custodians* should be notified and involved. NGH considers this a fair and reasonable request, based on the fact that Aboriginal people connected to the region are not all members of the Bega LALC. We therefore recommend that this wording also be changed in clause C28 of Schedule 3 of the Development Consent Conditions for the Jindabyne Education Campus.

If you have any questions, please contact me or Matthew Barber on (02) 6280 5053. We would be pleased to discuss any aspect of this project with you further.

Yours sincerely,



**Dr Tessa Bryant**

Senior Heritage Consultant  
0406 259 026





Plate 1 The vicinity of Jindabyne Campus AFT 2 showing the substantial ground surface disturbance from development on 28 November 2022.



Plate 2 In the vicinity of Jindabyne Campus AFT 2 which has been impacted by development 28 November 2022.



Plate 3 Ground surface in the vicinity of Jindabyne Campus AFT 2 which has been impacted by development 28 November 2022.



Plate 4 Jindabyne Campus AFT 2 when recorded on 25 June 2021.



Plate 5 View of fencing of no-go area near AFT 2 looking south provided by HY 23/06/2023.



Plate 6 View of fencing of no-go area near AFT 2 looking north by HY 23/06/2023.

## References

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.

NGH Pty Ltd, 2023, Jindabyne Education Campus Salvage Report, Unpublished report for Hansen Yuncken Pty Ltd.