



Jenny Chu
Infrastructure Assessments
Department of Planning, Industry and Environment
email: Jenny.Chu@planning.nsw.gov.au

Your reference: SSD-8378620
Our reference: EF21/9027

Dear Jenny,

**Advice on EIS and recommended conditions – State Significant Development –
Kingscliff Public School Redevelopment (SSD-8378620)**

Thank you for your referral dated 2 June 2021 seeking advice Heritage NSW on the EIS for the above State Significant Development (SSD) proposal. Heritage NSW has reviewed the available supporting documentation and provides comments for the proposed development in relation to Aboriginal cultural heritage regulation matters below.

In preparing the following advice we have reviewed the following documents:

- Kingscliff Public School, 12 Orient Street Kingscliff – Environmental Impact Statement for State Significant Development (SSD-8378620) – prepared by SJB Planning (NSW) Pty Ltd, dated May 2021
- Attachment 7: Preliminary Geotechnical Investigation for proposed school structures, Kingscliff Primary School, Orient Street, Kingscliff - prepared by Douglass Partners, dated April 2020
- Attachment 18: Kingscliff Public School Redevelopment – Aboriginal Cultural Heritage Assessment Report, prepared by EMM Consulting on behalf of Indigeco, dated May 2021
- Attachment 27: Planning Secretary's Environmental Assessment Requirements. Issued 31 July 2020

The Aboriginal Cultural Heritage Assessment Report (ACHAR) has been prepared in reference to the relevant guidelines as required by the SEARs (Requirement 9). It is noted that there is a registered site in the Aboriginal Heritage Information Management System (AHIMS), an unregistered archaeological site, and two areas of high cultural sensitivity within the project area.

Heritage NSW agrees with the current Management Recommendation ACHAR outcomes, based on the current state of the archaeological investigation. Heritage NSW provides the following recommendations in addition to the management and mitigation measures included in the ACHAR and EIS:

- Newly identified archaeological sites must be submitted to AHIMS;
- Heritage NSW generally recommends that all assessment should be undertaken prior to the approval of impacts to Aboriginal cultural heritage. Without adequate and complete assessment, in this instance subsurface testing, to establish the cultural significance it cannot be demonstrated that more places of significance or places which may further enhance the significance of the known Aboriginal cultural heritage in the area will not be found. The

Registered Aboriginal Parties (RAPs) could also not have provided informed comments on the project. As such, Heritage NSW recommends that test excavations of unvalidated areas be undertaken prior to the approval of impacts to potential Aboriginal Cultural Heritage; and

- Conditions for the creation and implementation of an ACHMP are provided in **Attachment A**.

If you have any questions regarding the above advice, please contact Corey O'Driscoll, Archaeological at Heritage NSW Heritage Regulation North on 6229 7079 or corey.odriscoll@environment.nsw.gov.au.

Yours sincerely



Dr. Samantha Higgs
Senior Team Leader
Aboriginal Cultural Heritage Regulations - North
Heritage NSW
Department of Premier and Cabinet
30 June 2021

Attachment A: Recommended Draft Conditions for Aboriginal Cultural Heritage

Below are recommended draft conditions for the protection of Aboriginal Heritage and the implementation of an Aboriginal Cultural Heritage Management Plan.

Aboriginal Heritage

- 1) All reasonable steps must be taken so as not to harm, modify or otherwise impact Aboriginal objects except as authorised by this approval.
- 2) The Registered Aboriginal Parties (RAPs) must be kept informed about the SSD. The RAPs must continue to be provided with the opportunity to be consulted about the Aboriginal cultural heritage management requirements of the SSD.

Aboriginal Cultural Heritage Management Plan

- 3) Prior to carrying out any development, the Applicant must prepare a Heritage Management Plan for the development to the satisfaction of the Secretary. This plan must:
 - a) be prepared by suitably qualified and experienced persons whose appointment has been endorsed by the Secretary;
 - b) be prepared in consultation with Aboriginal Stakeholders;
 - c) include a methodology for an archaeological excavation program of the site with consideration to understanding site characteristics and local and regional prehistory;
 - d) include a description of the measures that would be implemented for:
 - i) protecting the Aboriginal heritage items identified within the project footprint or items located outside the approved development footprint, including fencing off the Aboriginal heritage items prior to commencing construction;
 - ii) salvaging and relocating the Aboriginal heritage items located within the approved development footprint;
 - iii) salvaging, relocating or avoiding any Aboriginal heritage items located within the approved development footprint identified during test excavations of the site;
 - iv) include updated baseline mapping of the heritage items within and adjoining to the development disturbance area;
 - v) include updated mapping of all areas that have been and will be subject to monitoring, test excavations, and salvage excavations
 - vi) include conservation options for the mitigation and avoidance to impacts AHIMS registered sites situated within and outside the project footprint;
 - vii) prepare a methodology outlining when Registered Aboriginal Parties must be notified of changes to the Heritage Management Plan;
 - viii) include a procedure for assessing significance of Aboriginal Objects identified during the monitoring, test excavations, and salvage excavation and ensure that the management and mitigation measures are considered for all sites, and with special consideration for those of high significance;
 - ix) a strategy for the long term management of any Aboriginal heritage items or material collected during the test excavation or salvage works;
 - x) a contingency plan and reporting procedure if:

- (1) an Unexpected Heritage Finds and Human Remains Procedure must be prepared to manage unexpected heritage finds (heritage items and values) in accordance with any guidelines and standards prepared by Heritage NSW.
 - (2) the Unexpected Heritage Finds and Human Remains Procedure must be prepared by a suitably qualified and experienced heritage specialist in relation to Aboriginal cultural heritage, in accordance with the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010) and submitted to the Planning Secretary for information no later than one (1) month before the commencement of construction.
 - (3) the Unexpected Heritage Finds and Human Remains Procedure, as submitted to the Planning Secretary, must be implemented for the duration of construction.
 - xi) ensuring workers on site receive suitable heritage inductions prior to carrying out any development on site, and that records are kept of these inductions; and
 - xii) ongoing consultation with Aboriginal stakeholders during the implementation of the plan; and
 - e) include the completion of Aboriginal cultural heritage excavations, an Aboriginal Cultural Heritage Excavation Report(s), prepared by a suitable qualified expert. The Aboriginal Cultural Heritage Excavation Report(s), must:
 - i) be prepared in accordance with the *Guide to Investigation, assessing and reporting on Aboriginal cultural heritage in NSW*, OEH 2011 and the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales*, DECCW 2010; and
 - ii) document the results of all archaeological excavations (with artefact analysis and identification of a final repository for finds).
- The RAPs must be given a minimum of 28 days to consider the report and provide comments before the report is finalised. The final report must be provided to the Planning Secretary, Heritage NSW, the relevant Councils, and the relevant Local Aboriginal Land Council, and the RAPs within 24 months of the completion of the Aboriginal archaeological collections and excavations (both test and salvage).
- f) where previously unidentified Aboriginal objects are discovered, all work must immediately stop in the vicinity of the affected area. Works potentially affecting the previously unidentified objects must not recommence until Heritage NSW has been informed. The measures to consider and manage this process must be specified in the Unexpected Heritage Finds and Human Remains Procedure required by Condition and include registration in the Aboriginal Heritage Information Management System (AHIMS).