



View of Lake Jindabyne from the Jindabyne Precincts.

ABORIGINAL CULTURAL HERITAGE MANAGEMENT PLAN

SNOWY MOUNTAINS SPECIAL ACTIVATION PRECINCT (JINDABYNE PRECINCTS)

Acknowledgement

OzArk acknowledge the traditional custodians of the area on which this assessment took place and pay respect to their beliefs, cultural heritage, and continuing connection with the land. We also acknowledge and pay respect to the post-contact experiences of Aboriginal people with attachment to the area and to the Elders, past and present, as the next generation of role models and vessels for memories, traditions, culture and hopes of local Aboriginal people.

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ABBREVIATIONS AND GLOSSARY

Aboriginal object	Includes all types of Aboriginal objects such as artefacts, modified trees, and quarry locations. It also refers to a grouping of objects commonly referred to as a 'site'.
ACH	Aboriginal cultural heritage
ACHAR	Aboriginal Cultural Heritage Assessment Report. As set out in the <i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i> (DECCW 2010c), all developments where harm to Aboriginal objects is likely must be assessed in an ACHAR.
ACHCRs	<i>Aboriginal Cultural Heritage Consultation Requirements for Proponents</i> (DECCW 2010a). Guidelines for conducting Aboriginal community consultation for developments where harm to Aboriginal objects is likely.
ACHMP	Aboriginal Cultural Heritage Management Plan
AHIMS	Aboriginal Heritage Information Management System. Administered by the DPE, AHIMS is the central register of all Aboriginal objects within NSW.
AHIP	Aboriginal Heritage Impact Permit. Issued by Heritage NSW to allow harm to Aboriginal objects.
ASIRF	Aboriginal Site Impact Recording Form
ATSIHP	<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i>
Code of Practice	<i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i> under Part 6 NPW Act. Issued by DECCW in 2010, the Code of Practice is a set of guidelines that allows limited test excavation without the need to apply for an AHIP.
DCP	Development Control Plan
DPE	NSW Department of Planning and Environment
Due diligence	<i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW</i> (DECCW 2010b)
EP&A Act	<i>NSW Environmental Planning and Assessment Act 1979</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
Heritage NSW	Government department tasked with ensuring compliance with the NPW Act. Heritage NSW is advised by the Aboriginal Cultural Heritage Advisory Committee (ACHAC)

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

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1 INTRODUCTION

This Aboriginal Cultural Heritage Management Plan (ACHMP, the Plan) provides heritage management measures for Aboriginal cultural heritage and applies to the Snowy Mountains Special Activation Precinct (SAP). This Plan is informed by the Snowy SAP Aboriginal Cultural Heritage Assessment Report (ACHAR) (OzArk 2022).

This Plan informs the Jindabyne Growth Precinct Development Control Plan (DCP) and the Jindabyne Catalyst Precinct Delivery Plan (Delivery Plan). The *State Environmental Planning Policy (Precincts–Regional) 2021* (Precincts–Regional SEPP) is applicable to development in the Jindabyne Precincts.

The Jindabyne Precincts fall within the boundaries of the Bega Local Aboriginal Land Council (LALC). The recognised traditional custodians of the Snowy Mountains SAP area are the Ngarigo people.

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

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

1.1 PURPOSE

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

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

1.2 SNOWY MOUNTAINS SAP BACKGROUND

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

- The Snowy Mountains SAP Master Plan (DPE 2022)
- State Environmental Planning Policy (Precincts–Regional) 2021 (Chapter 3)

- The Jindabyne Catalyst Precinct Delivery Plan
- The Jindabyne Growth Precinct DCP.

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

1.2.1 The Snowy Mountains SAP Master Plan (DPE 2022)

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

There are two Snow Mountains SAP Precincts within the Jindabyne area. These include:

- Jindabyne Growth Precinct including areas near Jindabyne where development will follow the Snowy Monaro Local Environmental Plan (LEP) and the DCP (**Figure 1-1**)
- Jindabyne Catalyst Precinct including areas near Jindabyne where development will follow the Delivery Plan (**Figure 1-1**).

This Plan only applies to the Jindabyne Growth Precinct and Jindabyne Catalyst Precinct.

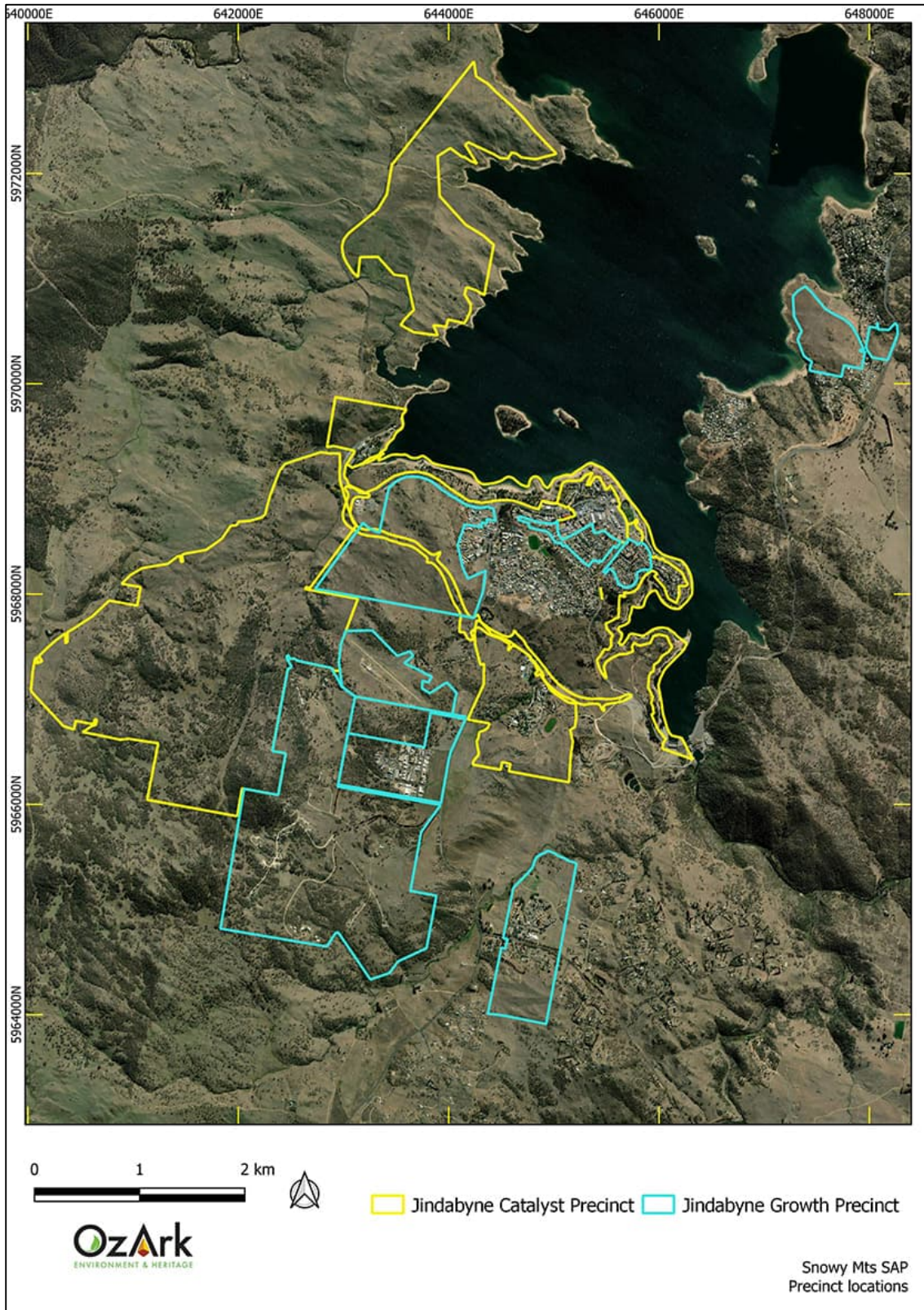
The Snowy Mountains SAP Master Plan requires that the management of Aboriginal cultural heritage will be based on the principles of protection, maintenance, and enhancement to preserve the significance of Ngarigo sites, culturally significant vegetation, and Aboriginal objects.

Section 7.1 of the Master Plan requires that this Plan be prepared. The Master Plan notes that the aspiration of the Snowy Mountains SAP is to:

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

- Respect Ngarigo people's rights, obligations, roles, and connections to Country as Traditional Custodians of the land and waterways by embedding Aboriginal cultural knowledge in project delivery.

Figure 1-1: Jindabyne Catalyst and Growth Precincts.



1.2.2 The Jindabyne Growth Precinct Delivery Plan

A Delivery Plan is a statutory document, referenced in the Precincts–Regional SEPP. This SEPP is discussed in more detail in **Section 2.2.3**, however, Section 3.7 of the Precincts Regional SEPP states that a specific Delivery Plan is required before any development can occur within the Snowy Mountains SAP boundary. The Delivery Plan provides:

- Precinct design principles
- Precinct revegetation strategy
- Infrastructure (enabling and design principles)
- Subdivision guidelines
- Development assessment criteria
- Monitoring, reporting and compliance
- Mapping (constraints, infrastructure works).

The Delivery Plan envisages that most development within the SAP will be complying development (as per Schedule 1B Part 2 of the Precincts–Regional SEPP). If a development proposal cannot be complying development, investors may utilise the existing approval pathways such as within Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), where the Planning Secretary is the consent authority or the LEP (currently the Snowy River Local Environmental Plan 2013) where the Snowy Monaro Regional Council is the consent authority.

The Delivery Plan states that an ACHMP be developed for Snowy Mountains SAP and that crucially, complying development cannot be located on land on which a heritage item or Aboriginal object or place of Aboriginal heritage significance is located.

1.3 OBJECTIVE AND OUTCOMES

This Plan has been developed to satisfy consent requirements under the Precincts–Regional SEPP and the Jindabyne Growth Precinct DCP, to be in accordance with the Master Plan and Delivery Plan, and to ensure that Aboriginal cultural heritage within the Jindabyne Precincts is managed appropriately with respect to all relevant legislation and in consultation with relevant stakeholders.

The objectives of this Plan are to set out controls and protocols to prevent unapproved harm to any identified and/or unidentified Aboriginal heritage objects or values on land within the Jindabyne Precincts.

This Plan:

- Details the procedures for managing Aboriginal heritage

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

The way this Plan addresses the applicable statutory requirements is detailed in **Section 2**.

1.4 SNOWY MOUNTAINS SAP MASTER PLAN CULTURAL HERITAGE ASSESSMENT

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

Field assessment was undertaken between 2020 and 2022, with the purpose being to ensure the Jindabyne Growth and Catalyst Precincts were comprehensively surveyed to identify areas where future development should not occur. The survey covered areas where development was proposed in the Snowy Mountains SAP Master Plan and did not include the entirety of the Jindabyne Precincts. The survey covered 1,433.9 hectares (ha) of the 1,740.2 ha Jindabyne Precinct areas (82% total precinct area). Land which was not surveyed was because access was not possible at the time of the survey. Cultural significance, landforms, identification of Aboriginal objects, and the assessment of archaeological potential defined the Aboriginal cultural heritage (ACH) zoning described in this Plan.

A summary of the Aboriginal cultural heritage values located within the Jindabyne Precincts identified by OzArk (2022) is presented in **Section 4**.

2 REGULATORY BACKGROUND

Cultural heritage is managed by several state and national Acts. Baseline principles for the conservation of heritage places and relics can be found in the *Burra Charter* (ICOMOS 2013). The *Burra Charter* has become the standard of best practice in the conservation of heritage places in Australia. Heritage organisations and local government authorities have incorporated the inherent principles and logic into guidelines and other conservation planning documents. The *Burra Charter* generally advocates a cautious approach to changing places of heritage significance. This conservative notion embodies the basic premise behind legislation designed to protect our heritage, which operates primarily at a state level.

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

2.1 COMMONWEALTH LEGISLATION

2.1.1 *Environment Protection and Biodiversity Conservation Act 1999*

The *Environmental Protection and Biodiversity Act 1999* (EPBC Act), administered by the Commonwealth Department of Climate Change, Energy, the Environment and Water, provides a framework to protect nationally significant flora, fauna, ecological communities, and heritage places. The EPBC Act establishes both a National Heritage List and a Commonwealth Heritage List of protected places. These lists may include Aboriginal objects or places in which Aboriginal people have interests. The assessment and permitting processes of the EPBC Act are triggered when a proposed activity or development could potentially have an impact on one of the matters of national environment significance listed by the Act. Ministerial approval is required under the EPBC Act for proposals involving significant impacts on national/commonwealth heritage places.

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

The *Aboriginal and Torres Strait Islander Heritage Protection Act 1984* (ATSHP Act) is aimed at the protection from injury and desecration of areas and objects that are of significance to Aboriginal Australians. This legislation has usually been invoked in emergency and conflicted situations.

Applicability to the Jindabyne Precincts

The Jindabyne Precincts are partially within the nationally listed Snowy Mountains Scheme (ID 105919). As such, the heritage provisions of the EPBC Act apply.

There are no known applications under the ATSHP Act within the Jindabyne Precincts.

2.2 STATE LEGISLATION

2.2.1 *Environmental Planning and Assessment Act 1979*

The *Environmental Planning and Assessment Act 1979* (EP&A Act) established requirements relating to land use and planning. The main parts of the EP&A Act that relate to development assessment and approval are Part 4 (development assessment) and Part 5 (environmental assessment). The Minister responsible for the Act is the Minister for Planning.

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

Applicability to the Jindabyne Precincts

Development within the Jindabyne Catalyst Precinct will be controlled by the Delivery Plan that is established under the Precincts–Regional SEPP that, in turn, is established under Division 3.3 of the EP&A Act.

Development in the Jindabyne Growth Precinct will be governed by the DCP established under Division 3.6 of the EP&A Act.

2.2.2 *National Parks and Wildlife Act 1974*

The *National Parks and Wildlife Act 1974* (NPW Act) provides for the protection of Aboriginal objects (sites, objects, and cultural material) and Aboriginal places. Under the Act (Part 6), an Aboriginal object is defined as:

‘any deposit, object, or material evidence (not being a handicraft for sale) relating to indigenous and non-European habitation of the area that comprises NSW, being habitation both prior to and concurrent with the occupation of that area by persons of European extraction and includes Aboriginal remains.’

An Aboriginal place is defined under the NPW Act as:

‘an area which has been declared by the Minister administering the Act as a place of special significance for Aboriginal culture. It may or may not contain physical Aboriginal objects.’

It is an offence under Section 86 of the NPW Act to ‘harm or desecrate an object the person knows is an Aboriginal object’. It is also a strict liability offence to ‘harm an Aboriginal object’ or to ‘harm or desecrate an Aboriginal place’, whether knowingly or unknowingly. Section 87 of the Act provides a series of defences against the offences listed in Section 86, such as:

- The harm was authorised by and conducted in accordance with the requirements of an Aboriginal Heritage Impact Permit (AHIP) under Section 90 of the Act

- The defendant exercised 'due diligence to determine whether the action would harm an Aboriginal object
- The harm to the Aboriginal object occurred during the undertaking of a 'low impact activity' (as defined in the regulations).

Under Section 89A of the Act, it is a requirement to notify the Secretary of the Department of Planning and Environment (DPE) of the location of an Aboriginal object. Identified Aboriginal objects are registered on Aboriginal Heritage Information Management System (AHIMS) that is administered by Heritage NSW.

Applicability to the Jindabyne Precincts

Any Aboriginal objects within the Jindabyne Precincts are afforded legislative protection under the NPW Act.

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

If a proposed development in the Jindabyne Precincts is complying development, then it will not harm known Aboriginal objects.

In the case that known Aboriginal objects are proposed to be harmed, or in the situation where an unidentified Aboriginal object is discovered that may be harmed, then the proponent would be required to obtain an AHIP under Section 90 of the NPW Act.

2.2.3 State Environmental Planning Policy

SEPPs are environmental planning instruments that deal with matters of state or regional environmental planning significance under the EP&A Act. SEPPs affect how land is developed and how natural resources are used, managed, and conserved across NSW. The Precincts–Regional SEPP (Chapter 3) that applies to the Jindabyne Precincts commenced in December 2022.

The aim of the Regional–Precincts SEPP is to support simplified planning processes to streamline development in SAPs where they are consistent with an approved Master Plan.

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

- Section 3.19 (requirements for exempt and complying development): To be exempt or complying development, the development must not be on –
 - 4(a) land on which a heritage item or Aboriginal object is located
 - 3(b) land in a heritage conservation area or Aboriginal place of heritage significance.

Applicability to the Jindabyne Precincts

The Precincts–Regional SEPP (Chapter 3) is applicable in the Jindabyne Catalyst Precinct. The requirements of this SEPP, as well as those of the Master Plan, are embodied within this Plan.

3 CONSULTATION

3.1 CONSULTATION WITH GOVERNMENT STAKEHOLDERS

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

3.2 ABORIGINAL COMMUNITY CONSULTATION

3.2.1 Aboriginal parties for the Snowy Mountains SAP Master Plan assessment

The RAPs for the Snowy Mountains SAP Master Plan assessment were identified by undertaking the guidelines established in the ACHCRs (DECCW 2010a) whereby an advertisement was placed in the local press and relevant agencies were contacted to determine if they were aware of groups or individuals who may have cultural knowledge of the region surrounding the Jindabyne Precincts.

During the ACHCRs undertaken by OzArk, 17 Aboriginal groups and/or individuals indicated they wished to be consulted as RAPs for the Snowy Mountains SAP Master Plan assessment (**Table 3-1**). Those RAPs who did not wish to be identified are referred to as 'Stakeholder 1' etc.

Table 3-1: Registered Aboriginal Parties for the Master Plan assessment.

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

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

3.2.2 Ongoing consultation protocols

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

Should further consultation be required, the RAPs registered for the Snowy Mountains SAP Master Plan assessment (**Table 3-1**) should be contacted to determine whether they wish to be consulted regarding the proposed development.

4 JINDABYNE PRECINCTS ABORIGINAL CULTURAL HERITAGE VALUES

The following section focuses on Aboriginal cultural heritage in the Jindabyne Precincts.

4.1 SOCIO-CULTURAL VALUES

Socio-cultural values relate to the importance of a site or features to the relevant cultural group: in this case the Aboriginal community. Aspects of social value include the assessment of sites, objects and landscapes that are traditionally significant or that have contemporary importance to the Aboriginal community. This importance involves both traditional links with specific areas, as well as an overall concern by Aboriginal people for their sites generally and the continued protection of these. This type of value may not be in accord with interpretations made by the archaeologist. For example, a site may have low archaeological value but high social value, or vice versa.

4.1.1 Cultural values

The Snowy Mountains SAP holds both physical and intangible value to the cultural heritage of the Aboriginal communities who occupied the area along the Snowy River. The people of Ngarigo have a connection to Country through ceremonies that took place. Identified through listening the stories of Ngarigo people, the Snowy River is and has been a place integral to mourning and burial of the deceased (Donaldson 2021). Tribal totems were found in such places which were used to identify societal position and affiliation (Donaldson 2021). These ceremonies took place at sites such as Curiosity Rocks and Cobbin Creek where communities today still have an ancestral connection to the landscape. Curiosity Rocks has both tangible and intangible importance to the Ngarigo people.

The Jindabyne area holds cultural significance as a possible Aboriginal access route between Bogong Mountains and Jagungal which in their own, are sites of cultural significance. Colonial accounts detail annual summer migrations from the east to Bogong Mountains to consume bogong moths, forming a meeting place where various communities gathered, and exchanges of items and thoughts occurred. This annual occurrence is a cultural practice showing the use of natural resources and ancient pathways. These on-going cultural connections remain ongoing which has been evidenced through traditional knowledge, memories, and family stories. There is clear intangible cultural significance within the Jindabyne Precincts identified through the previously recorded sites. The movement that occurred through the landscape of the Jindabyne Precincts is an integral part of the Aboriginal community identity.

4.2 ARCHAEOLOGICAL VALUES

Technical studies for the Snowy Mountains SAP Master Plan began in 2020, with a final ACHAR produced in 2022 (OzArk 2022). This stated that future development within the Jindabyne

Precincts will aim to avoid all known heritage items, and that further investigation would be required if development proposes to disturb land in unsurveyed areas.

A total of 24 Aboriginal sites are registered on the AHIMS register within the Jindabyne Growth and Catalyst Precincts. Of these 24 Aboriginal sites, six were identified during the 2020 and 2021 surveys for the Snowy Mountains SAP Master Plan assessment.

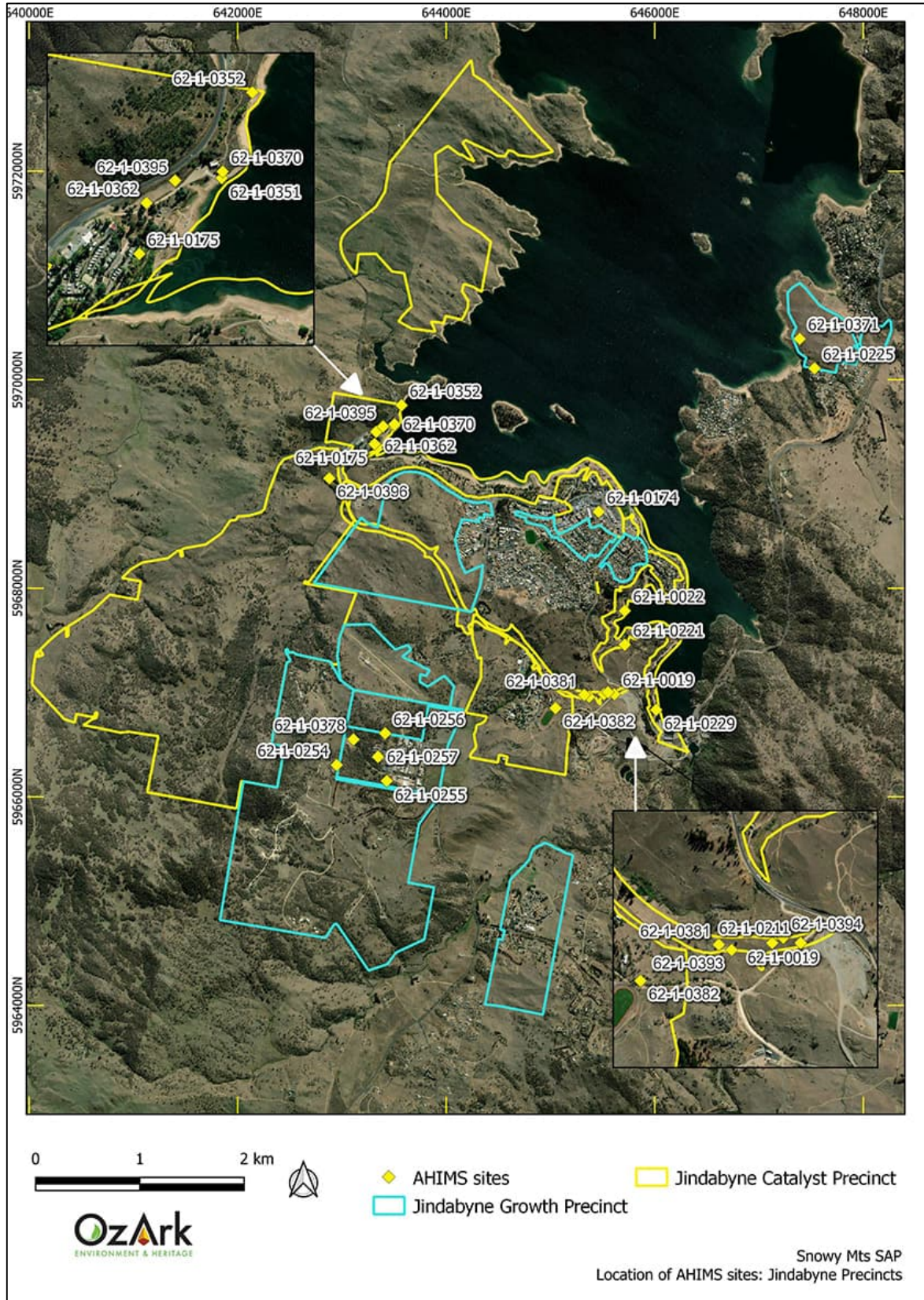
Table 4-1 outlines the details of valid Aboriginal sites inside the Jindabyne Precincts and **Figure 4-1** shows the location of these sites. Several of these sites, as noted, are recorded in locations that are either modified landforms or within the inundation zone of Lake Jindabyne and it is unlikely that the sites remain in situ.

Table 4-1: Aboriginal sites within the Jindabyne Precincts.

AHIMS Id	Site name	GDA East	GDA North	Precinct	Description
Jindabyne Catalyst Precinct					
62-1-0019	Jindabyne tip turn off	645613	5966984	Catalyst	Artefact site plotting to frequently used dirt road. Need to investigate status. No associated PAD
62-1-0022	Lake Jindabyne;J/SWS 4;	645713	5967784	Catalyst	Artefact site plotting to area prone to inundation. Need to investigate status. No associated PAD
62-1-0174	Thredbo Terrace 1	645463	5968734	Catalyst	Valid artefact scatter, however, this site plots to a modified landform and has probably been destroyed under permit although evidence of this is not held on the AHIMS register.
62-1-0175	WIAS	643313	5969384	Catalyst	Artefact site plotting to area with landform modification. Need to investigate status. No associated PAD
62-1-0211	CT B	645513	5966984	Catalyst	Artefact site with associated PAD
62-1-0221	CT L	645713	5967459	Catalyst	Isolated find. No surface artefact visible. No associated PAD
62-1-0229	CT A	646013	5966834	Catalyst	Artefact site plotting to area prone to inundation. Need to investigate status. No associated PAD
62-1-0351	Widows Inlet Boat Ramp	643502	5969558	Catalyst	Artefact site plotting to area prone to inundation. Need to investigate status. No associated PAD
62-1-0352	Curiosity Rocks South	643572	5969755	Catalyst	Artefact site plotting to area prone to inundation. Need to investigate status. No associated PAD
62-1-0362	Snowline Artefact Scatter	643329	5969501	Catalyst	Artefact site in a modified landform. Need to investigate status. No associated PAD
62-1-0370	Widows Inlet 1	643504	5969573	Catalyst	Artefact site plotting to area with landform modification. Need to investigate status. No associated PAD
62-1-0381	Lees Creek OS-1	645324	5966978	Catalyst	Medium density artefact scatter with areas of PAD nearby
62-1-0382	Lees Creek OS-2	645048	5966851	Catalyst	Low density artefact scatter. No associated PAD
62-1-0393	Lees Creek OS-4	645370	5966959	Catalyst	Low density artefact scatter associated with Lees Creek OS-1
62-1-0394	Lees Creek OS-5	645552	5967003	Catalyst	Low density artefact scatter with areas of PAD nearby

AHIMS Id	Site name	GDA East	GDA North	Precinct	Description
62-1-0395	Kosciuszko Road OS-1	643395	5969553	Catalyst	Low density artefact scatter in a modified landform. No associated PAD
62-1-0396	Widows Creek IF-1	642879	5969055	Catalyst	Isolated find. No associated PAD
Jindabyne Growth Precinct					
62-1-0225	ASE 4	647533	5970109	Growth	Low density artefact scatter. No associated PAD
62-1-0254	Leesville Site 1	642950	5966305	Growth	Low density artefact scatter. No associated PAD
62-1-0255	Leesville Site 2	643430	5966152	Growth	Low density artefact scatter. No associated PAD
62-1-0256	Leesville Site 3	643415	5966609	Growth	Low density artefact scatter. No associated PAD
62-1-0257	Leesville Site 4	643346	5966384	Growth	Low density artefact scatter. No associated PAD. Is recorded in a modified landform with the industrial park
62-1-0371	Snowy Hydro Paddock 1	647390	5970392	Growth	Low density artefact scatter with areas of PAD nearby
62-1-0378	Go Jindabyne IF 1	643111	5966550	Growth	Isolated find. No associated PAD

Figure 4-1: AHIMS sites in the Jindabyne Precincts.



5 HERITAGE MANAGEMENT MEASURES

5.1 HERITAGE MANAGEMENT FRAMEWORK

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

The Jindabyne Precincts have been divided into five heritage management zones based on the archaeological potential of the landforms in the Precincts. The heritage management zones in the Jindabyne Precincts are shown on **Figure 5-1**.

The management zones will be detailed below and consist of landforms containing:

- High archaeological potential
- Moderate archaeological potential
- Low archaeological potential
- Disturbed land
- Unsurveyed areas.

Some further commentary on the Jindabyne Precincts heritage management zones is provided below. The association of previously recorded sites and the heritage management zones is shown on **Figure 5-2**.

5.1.1 High ACH potential landforms

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

The assessment undertaken for the Snowy Mountains SAP did not conclude that there were Aboriginal objects or places of such significance that it would necessarily preclude development, however, further investigation, possibly including test excavation, would be required to confirm this.

Any development near sites 62-1-0371, 62-1-0381, and 62-1-0394 would first require test excavation to determine the nature and extent of any subsurface deposits.

5.1.2 Moderate ACH potential landforms

This zone was defined as landforms with a gentle gradient either close to a waterway or along an elevated landform such as a spur overlooking a waterway (OzArk 2022). There are generally

limited areas of 'moderate potential' within the Jindabyne Precincts and these tend to be associated with waterways such as Lees Creek and Widows Creek. Several previously registered sites are present in landforms identified as having moderate ACH potential, however, these are either low density artefact scatters or isolated finds (**Figure 5-2**).

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

There are no potential archaeological deposits (PADs) within landforms with moderate archaeological potential that would require test excavation to ascertain nature of subsurface deposits. However, test excavation may be a recommendation following the impact assessment of any proposed development.

5.1.3 Low ACH potential landforms

This zone was defined as generally consisting of sloping landforms or elevated landforms distant to water (OzArk 2022). As a result of the survey, it was determined that these landforms are unlikely to contain significant Aboriginal objects or archaeological deposits, although there is a potential for low-density artefact scatters or isolated finds to be present (OzArk 2022). Several previously registered sites are present in landforms identified as having low ACH potential, however, these are either low density artefact scatters or isolated finds (**Figure 5-2**).

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

5.1.4 Disturbed land

The overriding definition of 'disturbed land' in the Due Diligence Code of Practice, is landforms that have been modified in a clear and observable manner, either through earthworks or through construction of buildings or carparks. This would not necessarily include areas of erosion or land that has been disturbed through agricultural activity such as vegetation clearing, cultivation, or grazing.

As per the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* (due diligence) (DECCW 2010b), areas classified as 'disturbed land' do not require further assessment. Aboriginal objects, however, may still be present in 'disturbed lands' and any chance finds should be managed by an unanticipated finds protocol. However, due to the landform modification that has taken place, it is extremely unlikely that significant Aboriginal objects or archaeological deposits will be present within 'disturbed lands'.

The definition of 'disturbed land' can only be relied on if it is obvious that previous disturbance has resulted in a situation where it is highly unlikely that Aboriginal objects will be present.

5.1.5 Unsurveyed landforms

Areas of the Jindabyne Precincts which have not been previously surveyed will follow the Due Diligence Code of Practice prior to any ground-disturbing works associated with a development. These areas are mapped on **Figure 5-2**.

The Due Diligence Code of Practice assists individuals or organisations to exercise due diligence when carrying out activities that may harm Aboriginal objects over land that has not been approved for development based on any other instrument. The NPW Act provides that a person who exercises due diligence in determining that their actions will not harm Aboriginal objects has a defence against prosecution for the strict liability offence if they later unknowingly harm an object without an AHIP.

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

Application of the Due Diligence Code of Practice sets out the steps that need to be taken to:

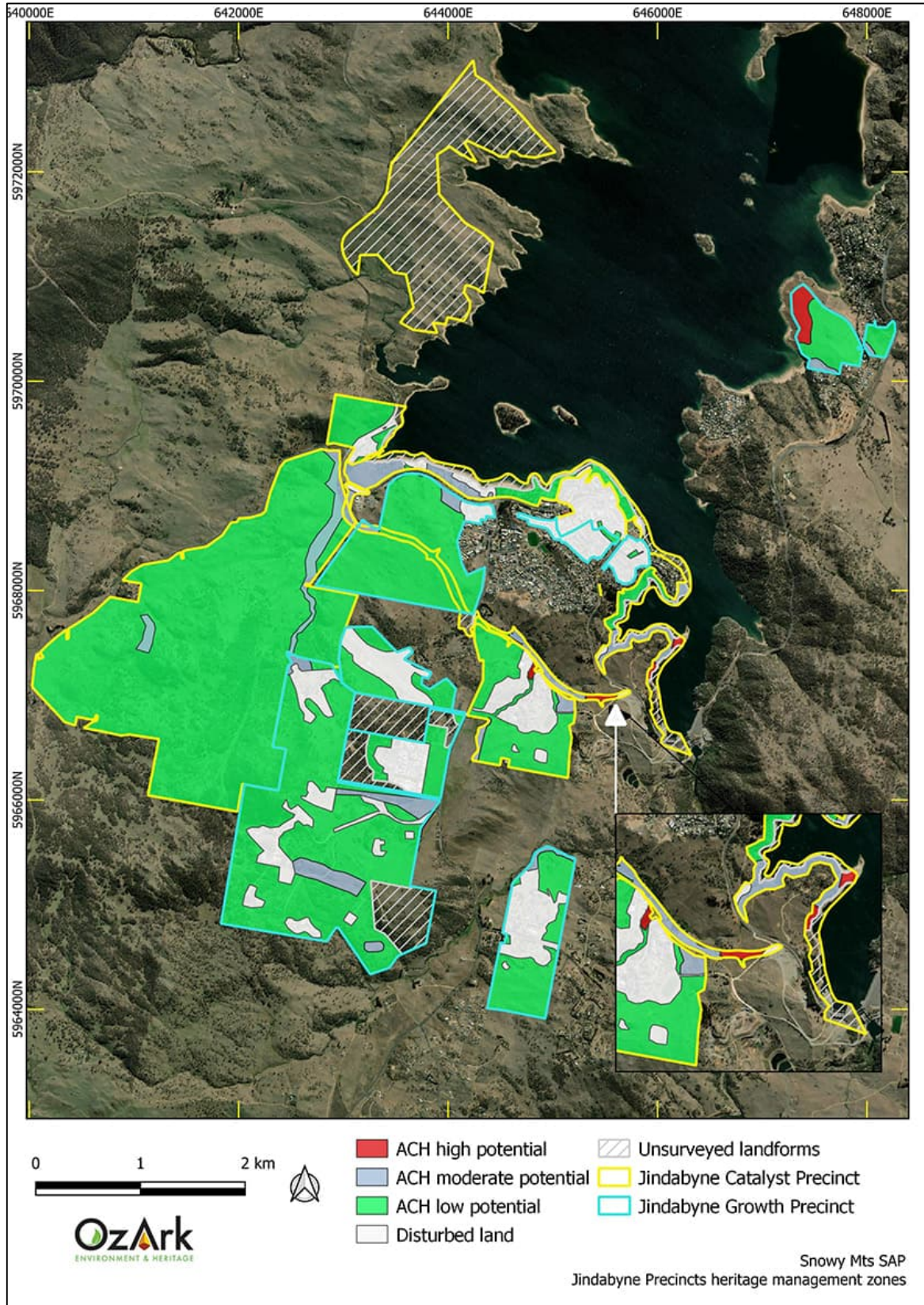
1. Identify whether Aboriginal objects are, or are likely to be, present in an area
2. Determine whether development activities are likely to harm Aboriginal objects (if present)
3. Determine whether an AHIP application is required.

The due diligence process will apply to an activity that is either an exempt or complying development within the meaning of the EP&A Act, unless the exempt or complying development is a low impact activity as defined in Section 58 of the *National Parks and Wildlife Regulation 2019*. If it is a defined low impact activity, there is a defence under the NPW Act, and the assessment need not follow the Due Diligence Code of Practice. It is considered unlikely that developments proposed in the Jindabyne Precincts would be low impact activities.

Should the due diligence process conclude that an Aboriginal object may be harmed and that an AHIP will be required, further assessment will be necessary. This will include undertaking the ACHCRs, potentially additional survey following the *Code of Practice for Archaeological Investigation of Aboriginal objects in NSW* (Code of Practice) (DECCW 2010c), and the development of an ACHAR.

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

Figure 5-1: Jindabyne Precincts heritage management zones.



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

The heritage management of each heritage management zones is detailed in **Table 5-1**.

Table 5-1: Jindabyne Precincts heritage management.

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

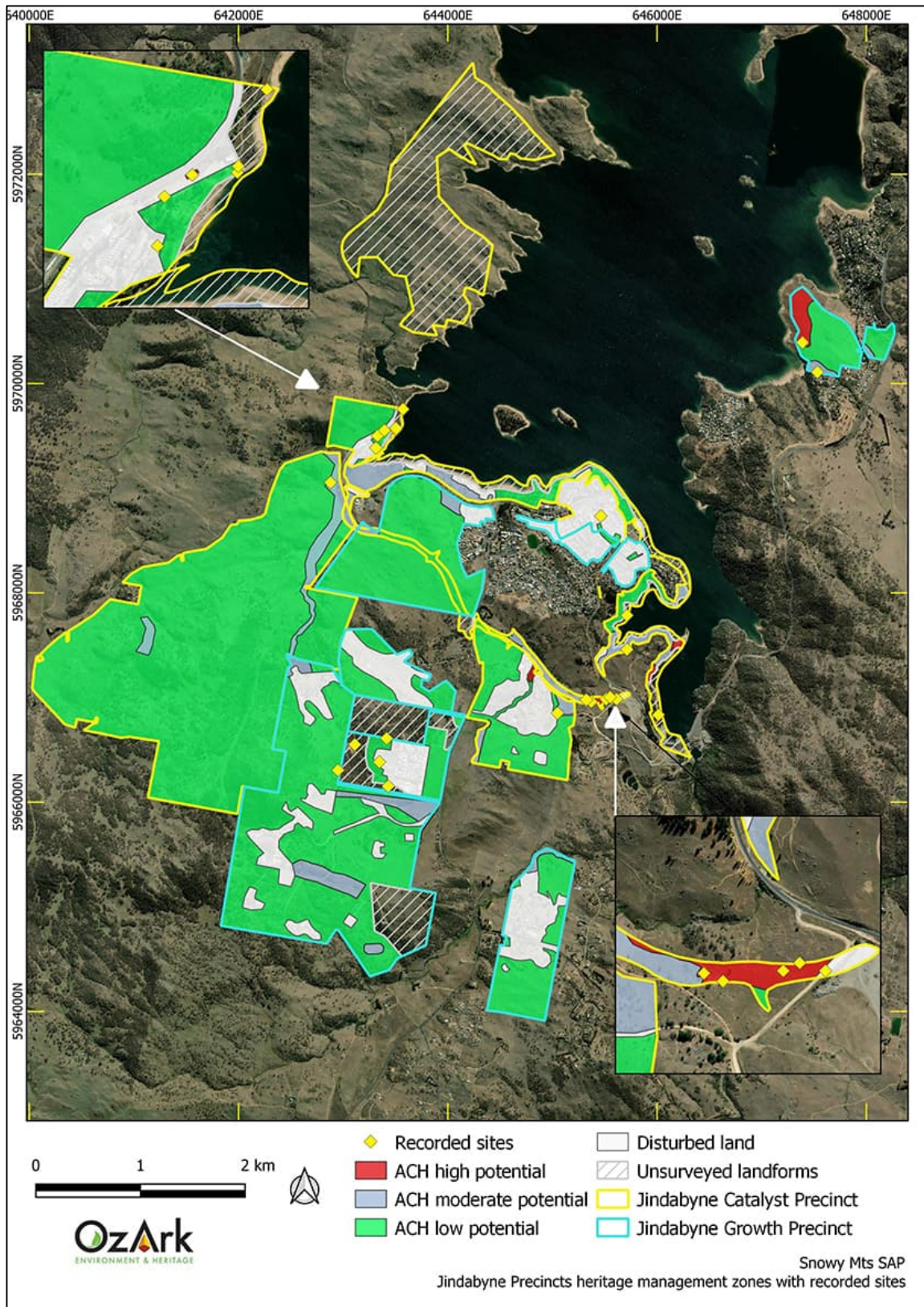
5.2 COMMON MANAGEMENT MEASURES IN ALL ZONES

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

- Registered Aboriginal sites will not be harmed by any development as they are protected under the Precincts Regional SEPP and the NPW Act
- If harm to an AHIMS site is necessary/unavoidable, then an AHIP will be required. This will include undertaking the ACHCRs, potentially additional survey following the Code of Practice (DECCW 2010c), and the development of an ACHAR
- If during works within the Jindabyne Precincts, a suspected Aboriginal object is identified, then the procedures outlined in **Section 5.6.2** and **Section 6.1.1** must be followed

- If during development within the Jindabyne Precincts, human skeletal remains are identified, then the procedures outlined in **Section 5.6.1** must be followed.

Figure 5-2: Previously registered sites in zones of Aboriginal cultural heritage potential.



5.3 OBLIGATION TO PROTECT ALL CULTURAL HERITAGE

5.3.1 Obligation to avoid harm

All employees, contractors, sub-contractors, and visitors to the Jindabyne Precincts have an obligation to avoid harming Aboriginal heritage.

The definition of harm used in this Plan stems from the definition in Section 5 of NPW Act. The examples used below are for illustrative purposes and are not exhaustive.

Harm to an Aboriginal object or Aboriginal site includes:

- Moving or collecting stone artefacts (although picking up artefacts and inspecting them is acceptable if they are immediately returned to their original location)
- Disturbing the earth where stone artefacts are located, e.g., by earthworks for drains, roads, etc.
- Breaking stone artefacts, e.g., by running over them in a vehicle
- Cutting down, disturbing or otherwise marking scarred trees.

Trivial or negligible impacts on Aboriginal objects are not regarded as harm. However, 'trivial' is defined, for example, as breaking an artefact during gardening. Any harm or impact to Aboriginal objects that occurs as a by-product of development activities will unlikely be regarded as 'trivial'.

5.3.2 Obligation to protect

All personnel, contractors and subcontractors having responsibility for land management or construction inside the Jindabyne Precincts have an obligation to protect Aboriginal heritage within their area of work responsibility.

Protection means having accurate information on the location of known Aboriginal heritage objects on all applicable site plans and undertaking active measures to avoid harm to Aboriginal heritage. This may include fencing (**Section 5.4.1**), mitigation of erosion effects (**Section 5.4.4**), and/or modification of work plans to safeguard Aboriginal heritage such as changing design plans to avoid harm to known Aboriginal objects (**Section 5.4.2**).

It should be noted information relating to location and extent of Aboriginal heritage items must reflect the actual recorded extent of the site shown in the AHIMS site card map for that site, the single centralised location of a site is not acceptable unless that site is an isolated find. Moreover, detailed design of infrastructure must also observe a 10 metre (m) buffer around all likely site extents to ensure sites are protected.

The location of Aboriginal objects must be made clear to any future users or owners of an area. Moreover, implementation of an *Unanticipated Find Procedure* should be in place for all development activities.

5.3.3 Heritage inductions

All staff and contractors will be provided with and must acknowledge the location of any heritage objects or places in proximity to their work areas. The staff and contractors involved in the proposed work will be made aware of the legislative protection requirements for all Aboriginal places and objects, as well as relevant processes for unanticipated finds or skeletal remains.

5.4 MEASURES TO PROTECT KNOWN ABORIGINAL OBJECTS

Measures to protect and manage Aboriginal objects within the Jindabyne Precincts are described below.

5.4.1 Identification of known heritage values

Known items, places, and areas of Aboriginal cultural heritage will be included as part of the environmentally sensitive areas map within the Environmental Planning Instruments such as the LEP and DCP.

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

5.4.2 Precinct design principals

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

Areas of Aboriginal cultural heritage should not be developed. Development may occur in these areas if it is for essential infrastructure and where further Aboriginal cultural heritage assessment will be undertaken to appropriately mitigate and manage any impacts to Aboriginal cultural heritage items, places, or areas. Any harm to known Aboriginal cultural heritage values will only be undertaken in consultation with the Snowy Mountains SAP Master Plan RAPs.

5.4.3 Fencing

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

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

Fencing at sites, if required, will consist of sturdy, stock-proof, permanent fencing. Where there is doubt over the extent of surface artefacts a competent person will be involved in an inspection to identify the extent of visible Aboriginal objects (usually stone artefacts) on the surface.

Fencing at any individually fenced sites shall be maintained for both site presentation as well as being a visible impact deterrent. Appropriate warning signage will be installed to further minimise the potential for unintended disturbance.

Fencing may be omitted or removed if it brings undesired attention to the site from vandals or otherwise increases the risk of damage to the site. If fencing is omitted or removed, other management options to protect the site will be considered on a case-by-case basis in consultation with the Aboriginal community representatives. Other management options may include reburial or relocation of artefacts (under appropriate permits), or strategic revegetation to protect an exposed site.

5.4.4 Erosion control

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

If works are required within or near a known Aboriginal cultural heritage site, a suitably qualified archaeologist should inspect the site to advise on whether the proposed works are likely to harm Aboriginal objects. If harm is possible, an AHIP will be required to complete the works.

Should erosion control take place near a known Aboriginal site outside of the approved disturbance area, the following principles will be followed:

- Potential interactions between the remediation works and the cultural heritage sites will be managed. The potential for harm to Aboriginal cultural heritage objects should be assessed by a suitably qualified archaeologist
- Natural regeneration of vegetation in an area will be encouraged to return it to as near as possible its original form
- Soft engineering solutions such as the placing of hay bales or coir logs on the surface will be preferably implemented to minimise disturbance to the site.

5.4.5 Bushfire hazard reduction

If clearing of excess fuel load is required near known sites, it will be undertaken in a manner that minimises ground disturbance. Preferred methods of hazard reduction include manual brush cutting and grass slashing with the slasher set at a minimum of 150 mm to avoid impacting surface Aboriginal stone artefacts.

Maps showing all known Aboriginal objects should be made available to the Rural Fire Service so that objects can be avoided as much as is reasonable if it is necessary to create fire breaks.

5.4.6 Weed and feral animal control

Noxious weed control may occur in accordance with statutory requirements. Within sites, weeds will be cut above ground level and not ripped from the ground to avoid ground disturbance. Where root balls have been inadvertently pulled from the surface, the soil shall be promptly returned to its original location and methods amended to avoid reoccurrence.

Feral animals, especially those that impact the ground surface such as pigs and rabbits, will be controlled within known Aboriginal sites. Specialist advice will be sought to ensure that any feral animal control does not result in ground disturbance within sites.

5.5 MEASURES TO MAKE ABORIGINAL HERITAGE ACCESSIBLE

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

5.5.1 Interpretation initiatives

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

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

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

5.6 UNANTICIPATED HERITAGE FINDS PROCEDURES

The following measures are relevant to all development within the Jindabyne Precincts.

5.6.1 Potential skeletal remains

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

1. Work in the immediate vicinity of the skeletal material will cease to ensure no further impact occurs

2. If there is substantial doubt as to human origin, the skeletal material will be inspected to determine if it is human or animal. If necessary, advice will be sought from a suitably qualified specialist
3. If the skeletal material is human or is thought to be human, NSW Police and Heritage NSW must be notified immediately to enable definitive identification
4. If the remains are part of a potential crime or misadventure scene, then the NSW Police and NSW Coroner will take responsibility for the subsequent process
5. If the remains are those of a traditional Aboriginal ancestor, then Heritage NSW, in consultation with RAPs, will dictate the appropriate course of action.

5.6.2 Newly identified heritage items

Further Aboriginal objects may be recorded within the Jindabyne Precincts. Environmental factors, such as changes in ground surface visibility, may mean that heritage items have been revealed since previous heritage surveys.

In the event of the discovery of what is believed to be an Aboriginal site/object, the following steps will be adhered to:

1. All work close to the discovery will cease and an area of 5 m around the location will be fenced with temporary high-visibility construction fencing
2. Advice will first be sought from a qualified archaeologist to determine whether the find constitutes an Aboriginal object.
3. If the object is confirmed as Aboriginal, then the archaeologist, (in consultation with RAPs if the find is an Aboriginal object), will determine the significance and best management of the find
4. No works will re-commence within the stop work zone until the find has been appropriately assessed
5. If the find is determined to be an Aboriginal object, then every consideration must be made to conserve the object in the landscape including the amendment of design plans
6. If harm to an Aboriginal object is unavoidable then further investigation, including undertaking the ACHCRs, developing an ACHAR and applying for an AHIP will be required (see **Section 5.7**)
7. Newly discovered Aboriginal objects will be registered on the AHIMS database as required under the NPW Act.

5.7 MANAGING HARM TO KNOWN ABORIGINAL OBJECTS

If measures contained within this Plan are implemented, then no previously recorded Aboriginal objects (i.e., those currently registered on AHIMS) will be harmed.

If harm to an Aboriginal object is unavoidable, then an AHIP application must be made to Heritage NSW. Integral to an AHIP application is the preparation of an ACHAR and the requirement to follow the ACHCRs. The NPW Act is complemented by the Code of Practice that sets out the requirements for archaeological investigation in NSW where an application for an AHIP is likely to be made.

5.7.1 Salvage

No Aboriginal object will be salvaged unless an AHIP has been obtained. The ACHAR and AHIP for any Aboriginal objects under threat of harm will detail any management measures specific to the potential salvage of those objects with reference to the likely impacts. Salvage may include the collection of surface artefacts to remove them from harm, or the subsurface excavation of archaeological deposits.

Salvage collection or testing would be undertaken in accordance with a prescribed salvage methodology implemented by a qualified archaeologist alongside representatives from the local Aboriginal community. Testing would be undertaken in accordance with the Code of Practice. For any sites impacted and/or salvaged, an *Aboriginal Site Impact Recording Form (ASIRF)* for each site is required.

6 RECORD KEEPING AND REPORTING REQUIREMENTS

6.1 STATUTORY REPORTING REQUIREMENTS

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

6.1.1 Discovery of Aboriginal objects

Under Section 89A of the NPW Act, it is a requirement that the AHIMS Registrar is notified of the existence of Aboriginal objects as soon as practicable after they are first identified. This is done through the completion of an Aboriginal site card which is submitted to AHIMS for inclusion on the Aboriginal objects database. See **Section 5.6.2** for the procedures related to newly discovered heritage objects.

6.1.2 Reporting impact to Aboriginal objects

No Aboriginal objects are currently authorised for harm under this Plan. If any AHIPs are obtained for Aboriginal objects within the Jindabyne Precincts, then Heritage NSW expects that information on authorised harm to Aboriginal objects be reported to them using an ASIRF.

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

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

6.2 SALVAGE RECORDS

In event that a site is impacted (following approval of an AHIP) then a record of the salvage process must be made. This will include a salvage report and updating the AHIMS site card using an ASIRF. Details of the temporary or permanent keeping place for those materials salvaged must be included in the salvage report and AHIMS site card update. Further conditions relating to the salvage of a site may be part of the AHIP and will be followed accordingly.

7 PLANNING CONTROLS

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

Planning controls instituted through the DCP and the Delivery Plan will include:

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

currently the Due Diligence Code of Practice. This assessment may involve a visual inspection of the development impact area with the involvement of the Aboriginal community.

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

D. Fencing

- i. Where appropriate, fencing will be implemented as a measure to protect and manage Aboriginal cultural sites.
- ii. Individual site fencing will be considered on a case-by-case basis with the desired outcome being the long-term preservation of the site. A site near a proposed development (i.e. within 10 m), will require fencing to identify its location and to protect it from inadvertent harm.
- iii. Fencing at sites, if required, will consist of sturdy, permanent fencing. Where there is doubt over the extent of surface artefacts a competent person will be involved in an inspection to identify the extent of visible Aboriginal objects (usually stone artefacts) on the surface.
- iv. Fencing at any individually fenced sites shall be maintained for both site presentation as well as being a visible impact deterrent. Appropriate warning signage will be installed to further minimise the potential for unintended disturbance.
- v. Fencing may be omitted or removed if it brings undesired attention or otherwise increases the risk of damage to the site.

E. Erosion control

- i. Erosion and sediment control, if required, will be undertaken in a manner that avoids disturbance to known Aboriginal objects unless an AHIP is first obtained.
- ii. If works are required within or near a known Aboriginal cultural heritage site, a suitably qualified archaeologist should inspect the site to advise on whether the proposed works are likely to harm Aboriginal objects. If harm is possible, an AHIP will be required to complete the works.
- iii. Should erosion control take place near a known Aboriginal site, the following principles will be followed:

- a) Potential interactions between the remediation works and the cultural heritage sites will be managed. The potential for harm to Aboriginal cultural heritage objects should be assessed by a suitably qualified archaeologist
- b) Natural regeneration of vegetation in an area will be encouraged to return it to as near as possible its original form
- c) Soft engineering solutions such as the placing of hay bales or coir logs on the surface will be preferably implemented to minimise disturbance to the site.

F. Bushfire hazard reduction

- i. If clearing of excess fuel load is required near known sites, it will be undertaken in a manner that minimises ground disturbance. Preferred methods of hazard reduction include manual brush cutting and grass slashing with the slasher set at a minimum of 150 millimetres to avoid impacting surface Aboriginal stone artefacts.

G. Measures to make Aboriginal heritage accessible

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

H. Interpretation initiatives

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

I. Unanticipated heritage finds procedures

- i. This Plan contains suitable measures are relevant to all development within the Jindabyne Precincts for the appropriate management of new discoveries (**Section 5.6**).

8 DOCUMENT INFORMATION

8.1 RELEVANT LEGISLATION

The following legislation is relevant to this Plan:

- *Environmental Planning and Assessment Act 1979*
- *National Parks and Wildlife Act 1974*
- Precincts–Regional SEPP 2021

8.2 REFERENCE INFORMATION

Reference information, listed in below, is information that is directly related to the development of this document or referenced from within this document.

DECCW 2010a	DECCW 2010, <i>Aboriginal cultural heritage consultation requirements for proponents 2010</i> , Department of Environment, Climate Change and Water, Sydney.
DECCW 2010b	DECCW 2010, <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i> , Department of Environment, Climate Change and Water, Sydney.
DECCW 2010c	DECCW 2010, <i>Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales</i> , Department of Environment, Climate Change and Water, Sydney.
Donaldson 2021	Donaldson, S.D. 2021, <i>Snowy Mountains Special Activation Precinct (SAP) Preliminary Aboriginal Cultural Values Assessment</i> . A report for WSP Australia Pty Limited.
DPE 2022	Department of Planning and Environment 2022, <i>Snowy Mountains Special Activation Precinct Master Plan</i> .
ICOMOS 2013	Australian ICOMOS 2013, <i>The Burra Charter: The Australia ICOMOS Charter for Places of Cultural Significance</i> , 2013, Australia ICOMOS Incorporated.
OzArk 2022	OzArk Environment & Heritage 2022, <i>Revised Aboriginal Cultural Heritage Assessment Report - Snowy Mountains Special Activation Precinct</i> , Report to the Department of Planning and Environment.

DOCUMENT CONTROLS

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