



The Hon. Sarah Mitchell MLC
Minister for Education and Early Learning
Deputy Leader of the Government in the Legislative Council

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The Hon C E Cusack MLC
Legislative Council
Parliament House
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SYDNEY NSW 2000

Dear Ms Cusack

Thank you for your correspondence of 6 June 2022, regarding your visit to Lennox Head Public School (LHPS). I acknowledge your continued advocacy for school infrastructure, and trust the following information is of assistance.

Lennox Head Public School (LHSP) Project

Following extensive stakeholder engagement, the Department of Education has determined the project to upgrade LHPS cannot proceed on the current site. Additional funding has been approved in the 2022-23 Budget for a project to relocate LHPS. The school site's unique cultural heritage, along with strong population and enrolment growth in the Ballina and Lennox Head area, means new solutions need to be explored to ensure the best long-term outcome for generations of students in the region. This decision also aligns with the Department's Aboriginal Education Policy and upholding the Department's Partnership Agreement with the NSW Aboriginal Education Consultative Group to ensure quality outcomes for Aboriginal people.

Wherever possible, consultation with the school community has been inclusive of the LHPS Parents and Citizens Association, school leadership and local community including JALI Local Aboriginal Land Council (JALI LALC).

The focus is now on planning for a new school sized appropriately in consideration of the region and whole school community group. Early planning has commenced. Part of early planning includes releasing an Expression of Interest (EOI) to find a new school site. While the EOI and site search process takes place, the project team will continue developing the project proposal for a business case submission. Further information regarding the future of this project will be provided to the community as planning proceeds.

The safety and wellbeing of students and staff are of the utmost importance. The Department remains committed to delivering appropriate and well-resourced local school infrastructure to support student learning. The Department acknowledges the current school site cannot accommodate the growing student numbers for the school.

The intake areas for LHPS and Southern Cross Public School have been adjusted to stabilise the growth of LHPS, while planning for a new LHPS continues. The number of public school students residing in the current LHPS intake area has increased from 327 in 2016 to 463 in 2021.

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The Department will continue to monitor enrolments to ensure appropriate measures are in place to manage demand, ensuring the wellbeing and best learning outcomes for students currently enrolled, as well as considering management of this significant cultural site.

Aboriginal Heritage Matters

It is the Department's obligation under NSW legislation to consult with the Aboriginal community regarding works. The Department was required to apply for an Aboriginal Heritage Impact Permit (AHIP) under s90 of the *NSW National Parks and Wildlife Act 1974* for the project to deliver upgrades at LHPS, which involved comprehensive consultation with Registered Aboriginal Parties (RAPs) in accordance with *Aboriginal Cultural Heritage Consultation Requirements for Proponents* (DECCW 2010). Various due diligence investigations have been undertaken over the life of the project and the services of Heritage Consultants were procured. Independent archaeological assessment confirmed the presence of significant subsurface archaeological remains at the site.

The Department was granted the first AHIP in late 2018. This required more comprehensive and wide-ranging archaeological and remote sensing investigations, which uncovered a large number of artefacts. Accordingly, the Department was required to apply for a new and different AHIP for the project and to redesign the project. This process required investigations, analysis, and reporting. The Department applied for a new AHIP and Development Application in early 2020, and was granted these in mid-2020.

The Heritage Consultant, as well as the Department's project team and community engagement specialist, undertook consultation with the Aboriginal community, including the JALI LALC, RAPs, and the NSW Aboriginal Education Consultative Group, as part of the AHIP application process and beyond.

The cultural significance of the entire existing school site cannot be understated given the nature of the historical sites, artefacts and the Aboriginal cultural connections between them. The cultural significance has been a growing focus since the discovery of artefacts on the school site. A large number of Aboriginal stone artefacts have been found, logged and recorded with Heritage NSW from only a small number of test pits and ground disturbing works. The cultural and historical importance of the entire site has been emphasised throughout continuous engagement between the Department and representatives of the local Aboriginal community.

Although the Department worked with key stakeholders to explore potential new designs and site layout options, the Department determined the project to upgrade LHPS could not proceed on the current site. The Department has not taken this decision lightly but it is in the best interest of all stakeholders and will be the best outcome for students in the long term.

As mentioned above, early planning work has commenced for a relocation of LHPS. This new project is subject to site availability and planning approval. This work involves a feasibility study and needs analysis, and is an opportunity to consider the needs for the school in its entirety, and also takes into account other schools in the local area. The budget for the project remains commercial-in-confidence and the timeframe of delivery is subject to the above.

The Department is responsible for a vast portfolio of capital works projects across NSW. Aboriginal cultural heritage considerations will vary from project to project. Individual projects are managed based on their unique circumstances, in compliance with legislative requirements, and in consultation with the relevant authorities and Aboriginal community representatives. Examples of projects requiring management of Aboriginal cultural heritage include the Young High School and Kingscliff Public School upgrades. Updates in relation to individual project progress are communicated via the School Infrastructure NSW website at <https://www.schoolinfrastructure.nsw.gov.au/>.

While planning work is underway for the new LHPS project, the Department remains committed to ensuring the wellbeing and best learning outcomes for students currently enrolled at the current school site, as well as considering our legal and ethical obligations for management of this significant cultural site.

The Department understands the school community is eager to see developments in relation to the LHPS project. Our team will continue to engage with and inform the school community in relation to the project's progress.

Yours sincerely

Sarah Mitchell MLC

02 August 2022