

Our ref: DOC19/679213-2

Your ref: DA16-2018-434-1

Ryan Falkenmire

Port Stephens Council

ryan.falkenmire@portstephens.nsw.gov.au

Dear Mr Falkenmire

DA16-2018-434-1 – 98 Gan Gan Road ANNA BAY (Lot 312 DP 753204)

I refer to your correspondence (19 July 2019) regarding the Development Application (DA) above and seeking general terms of approval (GTA's) with respect to the Aboriginal cultural heritage constraints identified for this property. The Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment (formerly the Office of Environment and Heritage) previously requested the clock be stopped in relation to this DA on 23 April 2019 (DOC19/306370-3) and requested additional information on 4 July 2019 (DOC19/461297-8).

In response to our second letter, the applicant supplied a final Aboriginal Cultural Heritage Assessment Report (ACHAR) (Umwelt July 2019) along with supplementary information contained in a letter from Umwelt dated 17 July 2019 (4691/OEH/NR/PDJ/17072019).

BCD has reviewed the information supplied by Port Stephens Council and Umwelt and notes that 2 registered Aboriginal sites will be impacted by the proposed development. As such, BCD requires Port Stephens Council to include a consent condition that requires the proponent to apply for an Aboriginal Heritage Impact Permit under section 90 of the *National Parks and Wildlife Act 1974*.

General terms of approval:

1. The proponent must make an application to the Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment for an Aboriginal Heritage Impact Permit (AHIP) to authorise 'harm' to the registered Aboriginal sites/objects that will be affected by the development. In doing so, the proponent must refer to the following documents:
 - Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW (DECCW 2011)
 - Aboriginal Cultural Heritage Consultation Requirement for Proponents (DECCW 2010)
 - Code of Practice for the Archaeological Investigations of Aboriginal Objects in New South Wales (DECCW 2010)
2. The proponent must not harm any Aboriginal sites/objects until the proponent has an approved AHIP from BCD.

If you have any further questions in relation to this matter, please contact Laura Dafter, Archaeologist, on 4927 3132 or via email at rog.hcc@environment.nsw.gov.au

Yours sincerely

Senior Team Leader Planning
Hunter Central Coast Branch
Biodiversity and Conservation Division