

Mr Dylan Mitchell
Port Stephens Council
116 Adelaide Street
Raymond Terrace NSW 2324

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Letter uploaded to the Concurrence and Referral (CNR) portal

Dear Mr Mitchell

**GENERAL TERMS OF APPROVAL
INTEGRATED DEVELOPMENT APPLICATION
NATIONAL PARKS AND WILDLIFE ACT 1974**

Address: 36 Elkin Avenue, Heatherbrae

Proposal: Construction of a new gymnasium, hardstand civic space, 66 space car park, sports field and extend the existing internal service road at Hunter River High School.

IDA application no: DA: DA 16-2023-259-1 CNR-55627, A-67462, received 23 August 2023.

This letter contains our general terms of approval for the above integrated development application for those known Aboriginal sites which would require an Aboriginal Heritage Impact Permit pursuant to s.90 of the *National Parks and Wildlife Act 1974*.

We have reviewed the Aboriginal Cultural Heritage Assessment Report, dated 16 June 2023, prepared by Kayandel Archaeological Services. The report documents the results of test excavations that identified buried stone artefact sites. The report has identified that Aboriginal objects known as artefact sites 38-4-2274, 38-4-2275 and 38-4-2276 will be impacted by the proposed development.

Public submissions were uploaded to the portal on 12 September 2023. None of the public submissions referred to Aboriginal cultural heritage matters.

Considering the above, and in accordance with Section 4.47 of the *Environmental Planning and Assessment Act 1979*, the following general terms of approval are granted:

APPROVED DEVELOPMENT

1. Development must be in accordance with:
 - a. Proposed Facilities Upgrade of Hunter River High School, 36 Elkin Avenue, Heatherbrae, Port Stephens Council LGA, NSW Aboriginal Cultural Heritage Assessment Report (Kayandel, 16 June 2023).
 - b. Statement of Environmental Effects Alterations and Additions to Hunter River High School 36 Elkin Avenue, Heatherbrae (Barr Planning, 15 May 2023).
 - c. Hunter River High School Issue for DA Plans (EJE Architecture, 14 April 2023).

Please note that any modification of the above development that will result in impacts to Aboriginal cultural heritage must be referred to us to determine whether changes to these general terms of approval are required.

EXCEPT AS AMENDED by the following general terms of approval:

2. A s.90 [Aboriginal Heritage Impact Permit \(AHIP\)](#) for the proposed works must be sought and granted prior to the commencement of works.
3. The AHIP application must be accompanied by appropriate documentation and mapping as outlined in [Applying for an Aboriginal Heritage Impact Permit: Guide for applicants](#) (2011).
4. Consultation with the Aboriginal community undertaken as part of the AHIP application must be in accordance with the [Aboriginal cultural heritage consultation requirements for proponents 2010](#) (2010).
5. The AHIP application must be completed with reference to the requirements of the [Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW](#) (2011).
6. The AHIP application must include complete records satisfying the requirements of the [Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales](#) (2010).
7. Long term management of Aboriginal objects must be considered as part of the AHIP application.

ABORIGINAL COMMUNITY CONSULTATION MUST BE MAINTAINED

Consultation with the Registered Aboriginal Parties (RAPs) must be maintained. We recommend updates on the project are provided to the RAPs every 6 months to ensure the consultation is continuous.

If you have any questions regarding these general terms of approval, please contact Lyndon Patterson, Senior Assessment Officer at Heritage NSW, on 02 6022 0619 or Lyndon.Patterson@environment.nsw.gov.au

Yours sincerely



Kym McNamara

Manager Assessments

Heritage NSW

Department of Planning and Environment

(As Delegate under *National Parks and Wildlife Act 1974*)

Date: 29 September 2023