



Our ref: DOC23/567110-52

Mr Damian Jaeger  
Newcastle City Council  
12 Stewart Avenue  
Newcastle West NSW 2302

Email: [djaeger@ncc.nsw.gov.au](mailto:djaeger@ncc.nsw.gov.au)

Letter uploaded to the Concurrence and Referral (CNR) portal

Dear Mr Jaegar

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

**Address:** 121 Hunter Street, Newcastle

**Proposal:** Mixed-use development at 105-137 Hunter Street, 3 Morgan Street, 22 Newcomen Street and 66-74 King Street, Newcastle

**IDA application no:** DA: DA2023/00419, CNR-56359, A-67017, received 14 June 2023.

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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 (AHIP) pursuant to s.90 of the *National Parks and Wildlife Act 1974*.

We have reviewed the Aboriginal Cultural Heritage Assessment Report (ACHAR) for Newcastle East End Project Stages 3 and 4, dated July 2023, prepared by Umwelt. The report has identified that Aboriginal objects known as artefact site and potential archaeological deposit 38-4-1084 will be impacted by the proposed development. This archaeological deposit is known from previous archaeological excavations conducted in the vicinity of the proposal including from East End Stage 1 in 2018-19 under AHIP C0003431 and East End Stage 2 in 2020-22 under AHIP C0005464. Archaeological salvage excavation has been proposed as mitigation against harm from the current East End Stage 3 and 4 proposal.

Stone artefact deposits have been identified from nearby excavations including 16,618 artefacts recovered from 81m<sup>2</sup> in East End Stage 1 and over 16,700 artefacts recovered from 34m<sup>2</sup> during East End Stage 2. Heritage NSW notes the archaeological salvage excavation provides an opportunity to interpret the Aboriginal cultural heritage of the Newcastle city centre as mitigation against harm from this proposal.

Public submissions were uploaded to the portal on 11 August 2023. The following public submission referred to Aboriginal cultural heritage matters:

- A submission dated 14 July 2023 notes the Indigenous history in the Conservation Management Plan draws largely from 1970s-80s secondary sources and would have been better sourced from Umwelt's Aboriginal and Historical Archaeology Report 2015. Heritage NSW notes that the ethnohistoric context and Aboriginal site history is presented in the ACHAR prepared by Umwelt.

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. Newcastle East End Project Stages 3 and 4 (Umwelt, July 2023).
  - b. Statement of Environmental Effects Stage 3 and 4 East End Detailed DA (Urbis, May 2023).
  - c. Newcastle East End Stages 3 - 4 Landscape Development Application (Cola Studio, April 2023).
  - d. Civil Plans East End Stage 3 & 4, Newcastle (Xavier Knight, 27 March 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.
8. An archaeological salvage excavation methodology must be submitted with the AHIP application.
9. The AHIP application must include provision for interpretation of the Aboriginal cultural heritage of the site in consultation with Aboriginal stakeholders.

### **ADVICE**

A methodology for archaeological salvage excavation was provided with the application which comprises 30m<sup>2</sup> excavation in phase 1 and 20m<sup>2</sup> in phase 2. Noting the high number of artefacts recovered from the East End Stage 1 and 2 works to the west and the significance of this site, Heritage NSW recommends the applicant consider provision for a greater area of salvage in phase 2 to adequately mitigate against the harm from this proposal. The methodology will be subject to detailed review by Heritage NSW at the time of the AHIP application. This may result in refinement of the methodology in consultation with the applicant and their consultants.

We recommend the applicant or their consultant on their behalf notify AHIMS of the updated coordinate of site 38-4-1084 as shown mapped in the ACHAR.

**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](mailto:Lyndon.Patterson@environment.nsw.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kym McNamara'.

**Kym McNamara**

Manager Assessments

Heritage NSW

Department of Planning and Environment

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

Date: 28 August 2023