

Our ref: DOC20/185614
Your ref: DA16-2020-81-1

Ryan Falkenmire
Development Assessment and Compliance
Port Stephens Council
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Dear Ryan

RE: DA16-2020-81-1 at 17D Irrawang Street, Raymond Terrace - IDA CNR-5553 – Raymond Terrace, Kings Hill Water and Wastewater Infrastructure – Review of Aboriginal Cultural Heritage Assessment Report

I refer to your correspondence (3 March 2020) regarding the proposed development application detailed above seeking general terms of approval with respect to the Aboriginal cultural heritage constraints identified for the proposed Kings Hill Water and Wastewater Infrastructure.

The Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment has reviewed the information supplied by Port Stephens Council and RPS Australia and notes that two registered Aboriginal sites (AHIMS 38-4-2023 an artefact scatter with PAD and AHIMS 38-4-2025 PAD associated with the curtilage of the Irrawang Pottery Site) 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 for any likely impact to Aboriginal cultural heritage objects or values.

BCD requires the following General Terms of Approval to be included as consent conditions for the proposal:

1. The proponent must make an application to the Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment, within three years of development consent being granted, 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. If the proponent submits an AHIP application within three years of development consent being granted, the proponent will be required to provide additional information to support the AHIP application. The additional information will include, but not be limited to, sub-surface test excavation methods and results from both PAD sites. A separate AHIP application may also be required to undertake test excavations at 38-4-2025 PAD if the site is determined to be an area known or suspected to be a conflict or contact site. Further information will be required

for any AHIP application in addition to the information provided for the General Terms of Approval request.

3. The proponent must maintain consultation with the registered Aboriginal parties (RAPs) at least every six months, from the date of development consent being granted and during the Aboriginal cultural heritage assessment process.
4. 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 Gillian Goode, Archaeologist, on 0499 588 790.

Yours sincerely



16 April 2020

STEVEN COX

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

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