

Our ref: DOC24/554907

Dear Timothy Jennings

Planner

Sutherland Council

4-20 Eton Street,

Sutherland NSW 2232

[tjennings@ssc.nsw.gov.au](mailto:tjennings@ssc.nsw.gov.au)

Letter uploaded to the NSW Planning Portal

**Address:** 21 Cape Solander Dr, Kurnell NSW 2231

**Proposal:** Construction of a foreshore protection revetment wall on the Kurnell Headland of Kamay Botany Bay National Park, Construction of new stairs to access the beach and canoe sculptures, located between Freshwater Stream and Commemoration Flat, New path from the existing Monument Track to the new stair access, revegetation/returfing works to revetment wall.

Development Application no: **DA24/0290, CNR-70497, A-85826**

**Received:** 13 June 2024

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**Subject: General Terms of Approval for Integrated Development Application, *National Parks and Wildlife Act 1974***

Dear Timothy,

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

The proposed project involves the construction of a foreshore protection revetment wall, located along a strip of the Botany Bay foreshore adjacent to the previous jetty, now the site of the proposed Kurnell Ferry Wharf. These proposed revetment works require development approval from Sutherland Shire Council under the Coastal Management Act 2016.

Following a storm event that caused significant erosion of the foreshore, a temporary sandbag wall was installed in 2018, stretching approximately 130 metres eastward from a small jetty. The primary objective of this existing sandbag wall was to stabilise the erosion-prone foreshore area and safeguard the middens and Araucaria (Norfolk Island) pine trees located here. The proposed new

revetment wall will encompass the footprint of the existing sandbag wall and replace this temporary wall with a durable and fit for purpose permanent structure.

We have reviewed the Aboriginal Cultural Heritage Assessment Report, prepared by Coast History and Heritage (Coast), dated 1 December 2023. The report has identified that three elements of the proposed works could impact Aboriginal objects. Those elements are:

- Element 108 - Revetment east of stream:
- Element 109 – Revetment west of stream; and
- Element 131 - Repair of existing revetment including removal of some blocks and installation of others.

Two known Aboriginal sites have the potential to be impacted by the proposed works, AHIMS #52-3-2094 (Alpha House Campsite Shell Reburial) and AHIMS #52-3-0219 (Foreshore Midden):

1. AHIMS #52-3-2094 (Alpha House Campsite Shell Reburial) is where shells collected during the 2020 monitoring of Alpha House works were reburied.
  - All revetment works either side of stream banks and will not impact reburial area.
  - Revegetation works in this area will be monitored to avoid the location of the midden reburial area
2. AHIMS #52-3-0219 (Foreshore Midden) is an extensive midden site with burials along the foreshore.
  - No works are proposed within the defined extent of the in situ Foreshore Midden with the limited exception of the footprint of any excavation or footings for the proposed stairs east of the stream which could encounter less disturbed dune portions with potential for midden.

Mitigation is proposed under an Aboriginal Heritage Impact Permit for the following:

- archaeological monitoring and collection of Aboriginal objects in disturbed contexts; and
- targeted archaeological salvage excavation in association with the construction of the revetment stairs to the east of the stream (element 108) in the event that any Aboriginal objects are encountered within the less disturbed dune portions with potential for midden (AHIMS #52-3-0219).

This proposal went on public exhibition closing on 27 July 2024. No submissions were received.

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

Development must be in accordance with:

- a. *Kamay Revetment Wall Preliminary Construction Environmental Management Plan*, prepared by Arup on behalf of the NPWS, dated 17 April 2024
- b. *Revised and Updated Aboriginal Cultural Heritage Assessment Report: Stage 1 Master Plan Works - Kamay Botany Bay National Park, Kurnell NSW*, prepared by Coast History and Heritage, dated 1 December 2023.

**Except as amended by the following general terms of approval:**

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

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

**Advice**

The Aboriginal Cultural Heritage Assessment Report that supports an Aboriginal Heritage Impact Permit application will need to include an AHIMS search conducted not more than 12 months ago.

**Aboriginal community consultation must be maintained**

Consultation with the registered Aboriginal parties must be maintained. We recommend updates on the project are provided to the registered Aboriginal parties every six months to ensure the consultation is continuous.

If you have any questions regarding these general terms of approval, If you have any questions in relation to this advice, please contact Jakob Ruhl, Senior Assessments Officer at Heritage NSW on (02) 9873 8500 or [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au).

Yours sincerely

*Tempe Beaven*

**Tempe Beaven**

Practice Lead, Heritage Referrals

Heritage NSW

Department of Climate Change, Energy, the Environment and Water

As Delegate under *National Parks and Wildlife Act 1974*

2 December 2024