

Our ref: DOC24/867530

Ms Kristy Robinson
Eurobodalla Shire Council
89 Vulcan Street
MORUYA 2537
kristy.robinson@esc.nsw.gov.au
Letter uploaded to the NSW Planning Portal

Address: 20 Heradale Parade BATEMANS BAY 2536

Proposal: Demolition of existing buildings and construction of three, four level apartment blocks and associated works

Development Application no: DA0593/23, CNR-55321, A-90798

Received: 21 October 2024

Subject: Advice for Integrated Development Application, *National Parks and Wildlife Act 1974*

Dear Kristy,

Thank you for referring the above integrated development application to our office. We understand that Council is seeking our general terms of approval pursuant to s4.46 of the *Environmental Planning and Assessment Act 1979*.

Documentation provided by the applicant in support of this application states that there are no known Aboriginal objects within the subject land.

It is stated in s.4.46(2)(a) of the *Environmental Planning and Assessment Act 1979* that development is not integrated development in respect of an Aboriginal Heritage Impact Permit under Part 6 of the *National Parks and Wildlife Act 1974* unless an Aboriginal object is known, immediately before the development application is made, to exist on the land to which the development application applies.

Accordingly, our understanding is that since there are no known Aboriginal objects on the subject site, the development is not integrated for the purposes of the *National Parks and Wildlife Act 1974*, and we cannot provide general terms of approval.

If Council considers approving the development, Heritage NSW have provided recommended conditions of consent for Aboriginal cultural heritage matters in **Attachment A**.

If you have any questions in relation to this matter, please contact Kosta Contos, Senior Assessments Officer, at Heritage NSW on 9873 8500 or kosta.contos@environment.nsw.gov.au.

Yours sincerely

Nicole Davis

Nicole Davis

Strategic Manager, Heritage Referrals

Heritage NSW

Department of Climate Change, Energy, the Environment and Water

As Delegate under *National Parks and Wildlife Act 1974*

13 November 2024

Attachment A - Recommended Conditions of Consent for 20 Heradale Parade, Development Application: DA0593/23, CNR-55321

If Council consider approving the Development Application, Heritage NSW recommend the following conditions to ensure the protection of known Aboriginal sites and ensure that no additional harm is caused should Aboriginal cultural heritage be encountered:

- No Aboriginal objects may be harmed without an approval from Heritage NSW under the *National Parks and Wildlife Act 1974*.
- If any Aboriginal object(s) are discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:
 - Not further harm the object(s)
 - Immediately cease all work at the particular location
 - Secure the area so as to avoid further harm to the Aboriginal object(s)
 - Notify NSW Environment Line as soon as practical by calling 131 555 or emailing: info@environment.nsw.gov.au, providing any details of the Aboriginal object(s) and its location
 - Not recommence any work at the particular location unless authorised in writing by Heritage NSW.
- If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit must be prepared and submitted to Heritage NSW before work may continue.
- In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.