



Mr Rohan Johnston
Assessing Officer
Snowy Valleys Council
Email: rjohnston@svc.nsw.gov.au

Your reference: DA2021/0011
Our reference: DOC21/324496-10

Advice uploaded via the Concurrence and Referral Portal

Dear Mr Johnston

**HERITAGE NSW – GENERAL TERMS OF APPROVAL
INTERGRATED DEVELOPMENT APPLICATION
NATIONAL PARKS & WILDLIFE ACT 1974**

Address: Lot 1 DP 197308, Snowy Mountains Highway, Gilmore

Proposal: Construction of a composting facility as an additional use of a current waste and recycling centre

IDA application no: DA2021/0011 (CNR-19677) Case reference - A-24936

Thank you for referring the above Integrated Development Application (IDA) to our office via the NSW Concurrence and Referral Portal (CNR). We understand that Council is seeking our General Terms of Approval (GTAs) pursuant to s4.46 of the *Environmental Planning & Assessment Act 1979* relating to the construction of a composting facility as an additional use of a current waste and recycling centre.

Heritage NSW requested additional information on 30 April 2021. We received the additional information on 17 May 2021. We have reviewed the documents provided to support the IDA: 'Gilmore Waste Composting Facility: Aboriginal Cultural Heritage Assessment' and 'Gilmore Waste Composting Facility: Archaeological Report,' both prepared by Biosis, dated 21 January 2021. We note that the final reports now document that the Registered Aboriginal Parties have had an opportunity to provide comment on the draft reports and consultation has now been completed to the end of Stage 4 of the 2010 [Aboriginal Cultural Heritage Consultation Requirements for Proponents](#).

We note the reports identify Aboriginal objects were located during archaeological investigations and the reports recommend an Aboriginal Heritage Impact Permit (AHIP) is applied for under the *National Parks and Wildlife Act 1974* (NPW Act) to harm objects to allow the proposal to proceed. On review of the Aboriginal Heritage Information Management System (AHIMS) it appears the Aboriginal objects identified have not as yet been registered on the AHIMS database. Mandatory notification of Aboriginal objects is a requirement under s89A of the NPW Act. We recommend the proponent complete the submission of sites identified to the AHIMS database as a priority. The AHIMS search in the Archaeological Report dates to 15 June 2020. AHIMS searches remain current for 12 months. We recommend that a new AHIMS search is completed following submission of the site cards and site numbers are included in reporting at the time of any application. An AHIMS search should be undertaken less than 12 months prior to receipt of any AHIP application to Heritage NSW, to ensure it is current at the time of the application.

Based on a review of the information provided by the applicant, we advise that an Aboriginal Heritage Impact Permit (AHIP) under section 90 of the NPW Act can be issued subject to conditions.

We request Council include the GTAs provided at **Attachment A** in any development consent.

If the development footprint changes from that shown in the information provided, Heritage NSW must be further consulted to determine whether our GTAs need to be modified.

While we are able to issue GTAs, we advise that additional information must be provided by the applicant when submitting the AHIP application. This information is in **Attachment B**.

If you have any questions regarding these GTAs please contact Lyndon Patterson, Archaeologist, Aboriginal Cultural Heritage Regulation – South, at Heritage NSW, on 0436 676 791 or at Lyndon.Patterson@environment.nsw.gov.au.

Yours sincerely



Jackie Taylor
Senior Team Leader, Aboriginal Cultural Heritage Regulation - South
Heritage NSW
18 June 2021

ATTACHMENT A: GENERAL TERMS OF APPROVAL FOR DA2021/0011

Based on the information that has been provided to Heritage NSW we provide the following General Terms of Approval (GTAs):

Aboriginal Cultural Heritage Regulation conditions

- An Aboriginal Heritage Impact Permit (AHIP) under section 90 of the *National Parks and Wildlife Act 1974* must be sought and granted for Aboriginal objects to be harmed by the development prior to the commencement of works.
- The AHIP application must be accompanied by appropriate documentation and mapping as outlined in [*Applying for an Aboriginal Heritage Impact Permit: Guide for applicants*](#) (OEH 2011) and with reference to the requirements of [*Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in New South Wales*](#) (OEH 2011).
- Consultation with the Aboriginal community undertaken as part of an AHIP application must be in accordance with the [*Aboriginal Cultural Heritage Consultation Requirements for Proponents*](#) (DECCW 2010). Full documentation of this process is required.
- The application must include complete records satisfying the requirements of the [*Code of Practice for Archaeological Investigation in NSW*](#) (DECCW 2010).
- The AHIP application must be supported by a copy of Development Consent issued under Part 4 of the *Environmental Planning and Assessment Act 1979*.

ATTACHMENT B: ADDITIONAL AHIP REQUIREMENTS FOR DA2021/0011

Heritage NSW provides the following advice for the determining authority and the applicant for the Aboriginal Heritage Impact Permit (AHIP) application. This additional information must be addressed at the time of the submission of the AHIP application.

Submission of site information to AHIMS

Aboriginal objects must be reported to AHIMS in accordance with s 89A of the NPW Act. Further information on recording Aboriginal sites can be found on Heritage NSW's website: <https://www.heritage.nsw.gov.au/protecting-our-heritage/record-aboriginal-sites/>

AHIMS search results

The Aboriginal Heritage Information Management System (AHIMS) search results date to 15 June 2020 (Biosis, 2021:106). AHIMS search results remain current for a period of 12 months. The reports will require the presentation of results of a current search of the AHIMS, within 12 months currency of the date of submission of the AHIP application. A search of the AHIMS database may be undertaken through Heritage NSW's website available at: <https://www.environment.nsw.gov.au/awssapp/login.aspx>

'Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW'

Document how Ecological Sustainable Development principles have been considered including cumulative impacts, when assessing likely harm on Aboriginal objects in accordance with section 2.5 of the Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW.

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.