



Our ref: DOC23/364301-14

Mr Bryce Koop  
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Condobolin NSW 2877

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Letter uploaded to the Concurrence and Referral (CNR) portal

Dear Koop

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

**Address:** 210 Lake Cargelligo Road, Lake Cargelligo

**Proposal:** Lake Sustainable Energy Precinct

**IDA application no:** DA: DA2022/050, CNR-48277, A-57002, received 4 May 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 pursuant to s.90 of the *National Parks and Wildlife Act 1974*.

Following review of the application, we requested additional information on 16 June 2023 of a final report, finalised consultation with Registered Aboriginal Parties and sought clarification on some items in the report.

We have reviewed the final Aboriginal Cultural Heritage Assessment Report (ACHAR), dated 18 April 2023, prepared by OzArk Environment & Heritage. The report has identified that Aboriginal objects in the form of stone artefact sites will be impacted by the proposed development. Mitigation has been proposed in the form of surface collection of stone artefacts prior to development works. A culturally modified tree (42-2-0169) identified in the application area will be avoided by the proposed works.

No public submissions were received in the CNR portal in relation to this application.

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. Aboriginal Cultural Heritage Assessment Report Lake Sustainable Energy Project Lake Cargelligo, NSW (OzArk Environment & Heritage, 19 April 2023).
  - b. Lake Sustainable Energy Precinct Statement of Environmental Effects (Currajong Pty Ltd, 4 November 2022).
  - c. Lake Sustainability Energy Project Graphite Energy – Lake Cargelligo, NSW Stage 1 Works Architectural Plans (Nettletontribe, 6 October 2022).

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. A culturally modified tree (42-2-0169) must be avoided by the works. Protection measures must be put in place to ensure harm to this tree does not occur.

#### **ADVICE**

At the time of submission of the AHIP application, the applicant should review the ACHAR to ensure consistency. Note sections 9.1.2 and 9.3.4 state 8 sites will be harmed, section 10.2 says 10 sites will be harmed and elsewhere the report it states 9 sites will be harmed.

#### **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



**Kym McNamara**

Manager Assessments

Heritage NSW

Department of Planning and Environment

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

Date: 19 June 2023