

## Department of Planning and Environment

Our ref: 791476-02

Ms Morven Cameron  
Chief Executive Officer  
Lake Macquarie City Council  
Box 1906  
HUNTER REGIONAL MAIL CENTRE NSW 2310

Attention: Morven Cameron

Planning proposal PP-2022-3016 to amend Lake Macquarie Local Environmental Plan 2014

Dear Ms Cameron

Thank you for the opportunity to comment on the planning proposal for rezoning land for residential and environmental conservation purposes at 1377 Hue Hue Road, Wyee under Lake Macquarie Local Environmental Plan 2014.

### **Aboriginal cultural heritage considerations under the *National Parks and Wildlife Act 1974***

HNSW support the conservation and protection of Aboriginal cultural heritage values. It is noted that an Aboriginal cultural heritage assessment report (ACHAR) has been completed in support of this proposal.

The outcomes of the ACHAR should be used to inform the planning proposal. If significant Aboriginal cultural heritage values have been identified within the planning proposal areas, then options to avoid impact to these values need to be explored. For example, where the significance of Aboriginal cultural heritage values has been assessed as high, then conservation and avoidance of these values through footprint design should always be the first option. If impact cannot be avoided or if the values have been assessed as moderate, appropriate mitigation measures should be negotiated with the registered Aboriginal parties.

Please note that HNSW have not reviewed the supplied ACHAR. Any future Aboriginal Heritage Impact Permit (AHIP) applications or other referrals will be reviewed on their merits and in accordance with legislated guidelines and policy, found here: <https://www.heritage.nsw.gov.au/applications/aboriginal-objects-and-places/before-you-apply/>.

When submitting an ACHAR in support of an AHIP application, please ensure that it meets the requirements of the guidelines <https://www.heritage.nsw.gov.au/assets/Uploads/files/Guide-to-Investigating-Assessing-and-Reporting-on-Aboriginal-Cultural-Heritage-in-New-South-Wales.pdf>

## State and local heritage considerations under the *Heritage Act 1977*

### As delegate of the Heritage Council

Based on the information provided, we have reviewed the planning proposal against our records and do not believe that there are any identified impacts on items listed on the State Heritage Register. In relation to historic archaeology, if the proponent has not already undertaken their own investigation to assess the likelihood of 'relics' and any subsequent management required under the *Heritage Act 1977*, they should do so.

### General Comments

Prior to finalisation of the proposal, Council should be satisfied that all necessary heritage assessments have been undertaken and that any impacts have been sufficiently addressed. Council's assessment should include, but not be limited to, a search of the State Heritage Inventory (<https://www.heritage.nsw.gov.au/search-for-heritage/search-for-nsw-heritage/>) and the Aboriginal Heritage Information Management System (<https://www.heritage.nsw.gov.au/protecting-our-heritage/record-aboriginal-sites/>).

If you have any questions please contact Louise Doherty, Senior Assessment Officer, by phone on 02 9873 8500 or via email at [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au)

Yours sincerely



**Nicole Davis**

Manger Assessments

Heritage NSW

Department of Planning and Environment

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

13 September 2023