

Our ref: HMS ID 11558

Deana Burn  
Department of Planning, Housing and Infrastructure  
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Letter uploaded to the Major Projects Planning Portal

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## Advice on Modification Report – State Significant Development

**Proposal:** West Culburra Mixed Use Subdivision – Modification 1

**Major Project reference:** SSD-3846-Mod-1

**Received:** 20 August 2025

Dear Deana,

Thank you for your referral seeking advice on the Modification Report for the above State Significant Development proposal.

Heritage NSW understands that the applicant is seeking to modify the existing concept approval to include minor changes to the site boundary and 100 m foreshore corridor to align with a recent survey of the Mean High-Water Mark (MHW) which resulted in the redefinition of the MHW. The application also seeks approval for minor reconfiguration of the residential and industrial subdivision layout due to the re-orientation of the development footprint as well as other amendments as outlined in the *Modification Report: Proposed Modification to West Culburra Concept Proposal – SSD 3846 (MOD 1)* – prepared by Allen Price Pty Ltd, dated 29 July 2025. In relation to Aboriginal cultural heritage, the current modification also seeks to amend the wording in the Statement of Commitments provided in Appendix 2 of the Consent to replace the phrase ‘Jerrinja Local Aboriginal Land Council’ with the term ‘Aboriginal Community’. Heritage NSW agrees with this proposed change.

Heritage NSW notes that the following documents have been provided with the Modification Report to reflect that Condition B14 and B15 of the existing consent have been met:

- Appendix M: Aboriginal Cultural Heritage Assessment Report (ACHAR): West Culburra, Culburra Beach, New South Wales – prepared by Austral Archaeology Pty Ltd, dated 26 July 2024
- Appendix N: Aboriginal Cultural Heritage Management Plan (ACHMP): West Culburra, Culburra Beach, New South Wales – prepared by Austral Archaeology Pty Ltd, dated 23 July 2024

We note that the ACHAR and ACHMP provided with the Modification Report are those that were uploaded to the Aboriginal Heritage Information Management System (AHIMS) following the

completion of the reporting requirements for the test excavations previously completed under Aboriginal Heritage Impact Permit (AHIP) 5076. No additional assessment or consultation with project Registered Aboriginal Parties (RAPs) appears to have been undertaken to support the current Modification application. Heritage NSW recommends that the Department of Planning, Housing and Infrastructure (DPHI) request that the applicant address the following comments prior to considering approval of the Modification:

1. As per Requirement 1b of the *Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW* (2010), Aboriginal Heritage Information Management System (AHIMS) searches must be contemporaneous with the project (less than 12 months). Please update the AHIMS search and review for currency.
2. Please clarify whether the proposed changes as part of the current Modification application, including the re-orientation of the development footprint, will result in any changes to the proposed impacts to and/or management requirements for Aboriginal cultural heritage compared to those assessed as part of the original concept approval.
3. Please provide evidence that the project RAPs have been notified of the current Modification application and that any comments or concerns have been adequately addressed. This evidence can comprise of copies of dated email records with all relevant email addresses shown and may be provided to Heritage NSW separately for our review/ records.

Please note that the comments provided relate only to Aboriginal cultural heritage regulation matters. If you have any questions about this correspondence, please contact Marika Low, Senior Assessments Officer at Heritage NSW on (02) 9873 8500 or [heritagemailbox@environment.nsw.gov.au](mailto:heritagemailbox@environment.nsw.gov.au)

Yours sincerely,

***Corey O'Driscoll***

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Department of Climate Change, Energy, the Environment and Water  
As Delegate under *National Parks and Wildlife Act 1974*  
26 August 2025