

Our ref: HMS ID 12152

Camille Kunder
Department of Planning, Housing and Infrastructure
camille.kunder@dpie.nsw.gov.au

Letter uploaded to the Major Projects Planning Portal

**Advice on Additional Information provided for Assessment – State Significant
Development**

Proposal: Alterations and additions to St Philip's Christian College Cessnock campus

Major Project reference: SSD-10360337

Received: 17 October 2025

Dear Camille,

Thank you for your referral seeking advice on the above State Significant Development (SSD) proposal.

In preparing this advice Heritage NSW has reviewed the following documents:
Newly provided documents

- Alterations and Additions to St Philip's College Cessnock (SSDA – 1036033) Lomas Lane, Nulkaba - prepared by Barr Planning, dated 16 October 2025.
- Updated St Philip's Christian College Archaeological Test Excavation Report (Updated ATER) - prepared by Artefact, dated October 2025.

Previously provided documents

- St Philip's Christian College Archaeological Test Excavation Report (ATER) - prepared by Artefact, dated September 2025.
- Direction to Carry Out Remedial Work Issued to St Philip's Christian Education Foundation Ltd (Remediation Order) - prepared by Biodiversity and Conservation Division of Department and Planning and Environment, Notice Number DOC23/1078218, dated 15 December 2023.
- St Philip's Christian College Cessnock Aboriginal Heritage Management Plan: Aboriginal Sites SPC7 (AHIMS #37-6-2103), SPC9 (AHIMS #37-6-2105) and SPC10 (AHIMS #37-6-2106) Draft (Remediation ACHMP)- prepared by Umwelt, dated March 2025.
- St Phillip's Christian College Cessnock Aboriginal Cultural Heritage Assessment –(ACHA) prepared by McCardle Cultural Heritage, dated 11 December 2024.

Heritage NSW's previous advice on the SSD identified key matters in relation to the ACHA, ATER and Remediation Order that required addressing (Advice letter dated 10 April 2025; Our ref: HMS 9851 and Advice letter dated 1 October 2025; our ref HMS 11826). While the response provided by Barr Planning provides further discussion of the outstanding issues, further information is still required. We advise the Department of Planning, Housing and Infrastructure that the following matters must be addressed prior to the development of Conditions of Consent for the SSD.

Registered Aboriginal Party Consultation

1. Heritage NSW recognises that the Registered Aboriginal Parties (RAPs) participated in the archaeological test excavations reported on in the ATER, participated in the archaeological test excavations of the remediation area, and were consulted with on the contents of the Remediation Aboriginal Cultural Heritage Management Plan (ACHMP). However, no evidence of consultation on the significance assessment of results of the test excavations nor the subsequently created management and mitigation recommendations has been provided. The ATER identifies three new sites SPC AS 11, SPC AS 12 and SPC AS 13 not previously recorded, or assessed in the SSD ACHA, the test excavation methodology or the Remediation ACHMP. The assessment of the significance of all AHIMS sites and the development of management and mitigation measures for them must be undertaken in consultation with the RAPs. The SEARs for the SSD issued 7 December 2020 state within Key Issue 9 *'Provide an Aboriginal Cultural Heritage Assessment Report (ACHAR) that ...incorporates consultation with Aboriginal people in accordance with Aboriginal Cultural Heritage Consultation Requirements for Proponents* (Department of Environment, Climate Change and Water, 2010).'*The Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010* includes the following:
 - a. *'Aboriginal people are the primary determinants of the cultural significance of their heritage'* (Section 3.1);
 - b. *Aboriginal People 'must have... input into the assessment of the cultural significance of their heritage and its management'* (Section 1.3) and;
 - c. *Aboriginal People must have the opportunity to 'actively contribute to the development of cultural heritage management options and recommendations for any aboriginal objects and or places'* (Section 3.2).
 - d. *'When evaluating an application, DECCW (former name of Heritage NSW) will consider...the results of consultation with Aboriginal people'* (Section 3.3)

Therefore, as per *the Aboriginal cultural heritage consultation requirements for proponents 2010* Heritage NSW cannot advise on the appropriateness and adequacy of the provided management and mitigation measures for SPC AS 11, SPC AS 12 and SPC AS 13 until such time that the RAPs have been adequately consulted with, any comments and/or concerns appropriately addressed, and the results of the consultation are provided for review.

Remediation Order

2. Section 11.2.2 of the Updated ATER states *'There are no ground disturbing works proposed within the Remediation Area, nor is there any infrastructure which would require maintenance or construction. While vegetation management will be required within the Remediation Area, this activity can be undertaken without the potential to harm Aboriginal objects when implemented without ground disturbing measures'*. However, while the Remediation Areas are not mapped within the Updated ATER, Figure 34 indicates the proposed works footprint extends across

potentially a third of the SPC 7 Remediation Area (which encompasses all of the track extending east to SPC-7 and the creek, from the north south access track). Further, Figure 35 of the Updated ATER indicates a proposed building extends into the SPC-7 Remediation Area and therefore, impacts beyond vegetation management are proposed. Heritage NSW agrees RAPs have participated in works for and have been consulted on the Remediation ACHMP, but the previously consulted on SSD ACHA and the original ATER make no mention of the SPC-7 Remediation Area. Therefore, it has not been demonstrated that the RAPs are aware of the potential for impacts from the proposed SSD to the SPC- 7 Remediation Area.

Clarification on the proposed impacts of the SSD to the SPC-7 Remediation Area are required. If impacts are proposed, specific management and mitigation measures are required to be developed in consultation with the RAPs as per Point 1 above. Any impacts or management beyond what is approved in the Remediation Order and described in the Remediation ACHMP will also require consultation with the Biodiversity and Conservation Division Compliance and Regulation, Hunter Central Coast Branch, as failure to comply with a remediation order is an offence under Section 91Q of the *National Parks and Wildlife Act*.

Please note that the above comments relate only to Aboriginal cultural heritage regulation matters. If you have any questions about this correspondence, please contact Alison Lamond at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au

Yours sincerely,

Corey O'Driscoll

Corey O'Driscoll

A/Practice Lead

Major Projects

Heritage NSW

Department of Climate Change, Energy, the Environment and Water

As Delegate under *National Parks and Wildlife Act 1974*

6 November 2025