



Office of  
Environment  
& Heritage

Date: 1 February 2018  
Your reference: MP 05\_0024\_MOD4  
Our reference: DOC18/54491  
Contact: Dan Robson  
4224 4185

Michelle Niles  
Planning Officer – Modification Assessments  
Department of Planning and Environment  
GPO Box 39 Sydney NSW 2001

By email: [Michelle.Niles@planning.nsw.gov.au](mailto:Michelle.Niles@planning.nsw.gov.au)

Dear Michelle,

**RE: MP05\_0024, Mod 4, Highview Drive Dolphin Point**

Thank you for referring the modification application to us for comment. We have reviewed the submitted information and have no major issues with the proposed modification itself. We do however have concerns with the proposed amendments to the statement of commitments, particularly the ones which relate to biodiversity.

Please find below detailed comments on Aboriginal cultural heritage and biodiversity.

**Aboriginal cultural heritage**

A concurrent modification application (MP05\_0024\_MOD3) updated the ACH management plan and establishes where salvage excavation must occur. We note that MP05\_0024\_MOD3 is yet to be approved by DPE. In the event that modification 3 and/or 4 are approved, we would like to see the most recent Aboriginal Heritage Management Plan (South East Archaeology 2017) listed in the updated statement of commitments to avoid any future confusion. Our previous advice on MP05\_0024\_MOD3 is provided at Attachment A for your reference.

**Biodiversity**

We note that there are no specific modifications proposed to the biodiversity conditions as part of this application. We do note however that there are proposed changes to the statement of commitments. We are supportive of the modification to the commitment relating to the keeping of pets and the relocation of the Leafless tongue orchid (*Cryptostylis hunteriana*). We do not, however, support the removal of the commitments relating to the management of the Leafless tongue orchid and White-footed dunnart. The justification provided is related to the relocation of each species, not the management of each within the conservation area. As such, we believe that the proponent's commitments to management of biodiversity should remain and be adhered to.

Should you have any further queries or wish to discuss further, please contact Dan Robson on 4224 4185 or via e-mail [daniel.robson@environment.nsw.gov.au](mailto:daniel.robson@environment.nsw.gov.au).

Yours sincerely

Chris Page  
Senior Team Leader, Planning (Illawarra)  
Regional Operations Division



Office of  
Environment  
& Heritage

Date: 18 January 2018  
Your reference: MP 05\_0024  
Our reference: DOC17/567296  
Contact: Rose O'Sullivan, 4224 4177

Timothy Green  
Planning Officer – Modifications  
Department of Planning and Environment  
GPO Box 39 Sydney NSW 2001

By email: [Tim.Green@planning.nsw.gov.au](mailto:Tim.Green@planning.nsw.gov.au)

Dear Mr Green

**RE: MP05\_0024, Mod 3, Highview Drive Dolphin Point**

Thank you for referring the updated Aboriginal Heritage Management Plan for MP 05\_0024 (dated November 2017) to us in relation to the above matter. The following advice is based on our review of the updated AHMP prepared by South East Archaeology (SEA 2017). We note that the Ulladulla Local Aboriginal Land Council (ULALC) has provided written support for the revised AHMP.

Most of the outstanding Aboriginal cultural heritage management requirements have been addressed. We support the recommendations in the revised AHMP (SEA 2017). We note that there are two items from our previous advice that have not yet been addressed. Further detail is provided below. This advice follows our previous advice on this project (dated 25 May 2017 and 20 November 2017).

We understand that the required approval for the remaining archaeological excavation is the section 75W Modification application currently being assessed by the Department of Planning and Environment (DPE).

**4A archaeological investigations should occur**

We support the revised location of salvage excavation square 4A.

We recommend that the applicant ensure that salvage excavation within the mapped area shown in the AHMP (SEA 2017, p.18) can occur unobstructed, noting our comments from 20 November 2017 that stockpiles and underground services were observed very close to the 4A excavation area.

**4B archaeological investigations should occur**

We support the revised location of salvage excavation square 4B within landform unit 4B (SEA 2017, pp.12-14). There are no archaeological constraints to the 4A salvage activity occurring.

**5A mitigation options are appropriate**

We support the methodology for hand excavation of archaeological test pits between the conservation reserve and the road (SEA 2017, p.12).

We have no additional recommendations in relation to the 5A salvage area. We understand that a separate DPE compliance investigation is being conducted.



**5B archaeological investigations should occur**

We support the proposed archaeological salvage of square 5B (SEA 2017, pp.12-14).

**Long term management of Aboriginal objects by ULALC is supported**

We support the long term care of excavated Aboriginal objects by the ULALC through a Transfer of Aboriginal Objects under section 85A of the *National Parks and Wildlife Act* (SEA 2017, p.14).

The Transfer application can be submitted to OEH at the end of the archaeological excavations.

**Administrative amendments are supported**

We support the proposed administrative changes.

**Matters not yet addressed**

There are two points from our previous advice that have not yet been addressed:

**1. *Realignment of Road One and increased impacts to landscape context 9A***

The site visit showed that Road One has been constructed. The subsequent increased loss of landscape context 9A should be incorporated into the cumulative impact assessment for this project. This should be addressed in the Supplementary Report by SEA (dated March 2016).

This could occur as part of future Aboriginal cultural heritage reporting for this project.

**2. *Conservation Reserve Management Plan***

Our letter of 25 May 2017 suggested minimising ground disturbance and promoting passive weed management where possible in the reserve. We do not know whether this has been considered.

This could occur after the current Modification has been determined.

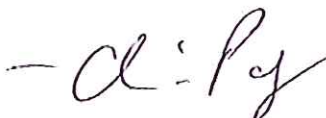
**Summary of our advice**

In summary, we support the revised AHMP (SEA 2017).

We maintain our previous recommendations not yet addressed that:

- The impact of Road One on landscape context 9A is included in the impact assessment in the Supplementary Report by SEA.
- Management strategies that reduce ground disturbance are included in the Conservation Reserve Management Plan.

Yours sincerely



**Chris Page**  
**Senior Team Leader Planning (Illawarra area)**  
**Wollongong**

