

# Modification of Minister's Approval

## Section 75W of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 25 January 2010, I approve the modification of the concept plan approval referred to in schedule 1, subject to the conditions in schedule 2.

*S. Haddad*

Director-General  
Department of Planning and Infrastructure

Sydney

*8<sup>th</sup> August*

2011

### SCHEDULE 1

#### Concept Plan Approval:

07\_0026 granted by the then Minister for Planning on 12 November 2008

#### For the following:

A residential subdivision comprising subdivision for single dwellings, duplexes and medium density, a neighbourhood centre comprising commercial and retail space, a community centre, tavern and retirement village

#### On land comprising:

Lot 234 DP 1104071 Montwood Drive, Lennox Head in the Ballina local government area

#### Modification:

07\_0026 Mod 2:

- consolidation of stages from 11 to 9;
- creation of two additional super lots within Stage 1 to create 8 super lots;
- increase in the maximum allowable retail floor space within the neighbourhood centre from 3,000m<sup>2</sup> to 4,000m<sup>2</sup> and bringing forward the construction of the maximum allowable retail floor space;
- realignment of Montwood Drive within the site; and
- increase in the size of the on-site conservation area and other environmental works.

Note: This modification description includes changes for both the concept and stage 1 project approval.

## SCHEDULE 2

The concept plan approval is modified as follows:

- 1) deleting the words “maximum retail space of 3000m<sup>2</sup>” in term A1(2) and replacing with the words “maximum retail space of 4000m<sup>2</sup>”

- 2) deleting the term A1(6) and replacing with new term A1(6) as follows:

A1(6) A green space network of 25.3 ha comprising:

- a) Open space 2.1 ha;
- b) Water quality control pond and associated open space 3.6 ha;
- c) Revegetation in buffer around SEPP 26 Littoral Rainforest 0.9 ha;
- d) Wetland conservation reserve 6.5 ha;
- e) Revegetation around littoral rainforest EEC 6.3 ha; and
- f) Rehabilitation works adjacent to Ballina Nature Reserve 5.9 ha.

- 3) inserting new term A6 immediately after term A5 as follows:

### **A6** *Lapsing of Approval*

This concept plan approval shall lapse five (5) years after the date the approval is endorsed by the Minister, unless works the subject of any related application (other than works relating to Stage 1) are physically commenced, on or before that lapse date. The Director-General may extend this lapse date if the proponent demonstrates to the satisfaction of the Director-General that the project remains current, appropriate and reflective of the best use of the site at the date the approval would otherwise lapse.

- 4) deleting term A2 and replacing with new term A2 as follows:

### **A2** *Staging*

The project will be undertaken in 10 stages generally in accordance with Illustration C5 Development Staging (Drawing No. 100603 3E dated 16 August 2010) and Illustration P1 Stage 1 Project Application Plan (Drawing No. 100603 1E dated 16 August 2010) and comprises the following:

- (1) Stage 1A - Subdivision of 54 residential lots and 2 open space lots and associated roads and landscaping in the south of the site;
- (2) Stage 1B - Subdivision of Super Lots 1, 2, 3, 4, 5, 6, 7 and 8, the extension of Montwood Drive, the construction of Main Street, construction of internal roads adjoining the east and north boundaries of Super Lot 1, the construction of Hutley Drive and the western link for the playing fields adjacent to the site and revegetation of the 100m buffer to littoral rainforest in the north west of the site;
- (3) Stage 2 – residential subdivision in the central and north eastern part of the site and connection to Stoneyhurst Drive;
- (4) Stage 3 – residential subdivision in the central and northern parts of the site;
- (5) Stage 4 – residential subdivision and provision of open space in the central part of the site;

- (6) Stage 5 – residential subdivision in the east of the site;
- (7) Stage 6 – residential subdivision and provision of green space around Littoral Rainforest endangered ecological community in the north east of the site;
- (8) Stage 7 - residential subdivision and provision of green space around Littoral Rainforest endangered ecological community in the south east of the site;
- (9) Stage 8 – residential subdivision in the east of the site; and
- (10) Stage 9 – residential subdivision in the northern part of the site.

Stages 1A and 1B shall be undertaken first. The order of subsequent stages can be varied with the written approval of the Director-General.

**5) deleting the table in term A3 and replacing with a new table as follows:**

Design, Landscape and Survey Drawings			
Drawing No.	Revision	Name of Plan	Date
100603 1E		Illustration C1 Concept Plan	16/08/10
100603 6A		Illustration C2 Green Network Plan	11/06/10
100603 29A		Illustration C3 Indicative Neighbourhood Centre Plan	11/06/10
100603 27A		Illustration C4 Indicative Retirement Community	11/06/10
100603 3E		Illustration C5 Development Staging	8/05/11
100603 14A		Illustration C6 Movement Network	11/06/10
		Illustration C7 Stormwater Concept Plan	14/08/08
100603 32A		Illustration C8 Lot Typologies	11/06/10
100603 5B		Illustration C9 Building Heights Plan	15/06/10
100603 31A		Illustration C10 Setback Plan	11/06/10
100603 46B		Illustration C11 Conservation Zone Plan	15/06/10

**6) immediately after term A4e), inserting the following words:**

**Modification Documentation**

- f) *Pacific Pines Modification Report* including all appendices prepared by Geolink, dated 1 September 2010;
- g) *Pacific Pines Modification Application Response to Submissions 1439012*, including *Pacific Pines Addendum to Modification Report* prepared by Geolink and received 28 January 2011;
- h) *Design Note – Traffic and Transport – Addendum to Traffic Impact Assessment* prepared by Cardno and dated 5 January 2011; and
- i) updated drawings to reflect staging and dated 8 April 2011.

**7) deleting term B1 and replacing with new term B1 as follows:**

***B1 Environmental Management Plan***

The proponent's commitment to prepare an Environmental Management Plan for the site is modified to the following:

An over-arching Environmental Management Plan (EMP) will be implemented for the site in consultation with the Office of Environment and Heritage and Council. The EMP will address all retained endangered ecological communities (EECs) and threatened species on the site (including open space) and will specifically address, but not be limited to, the following:

- (1) A contemporaneous detailed plan specifying all areas of EECs and threatened species habitat to be retained and the areas to be revegetated;
- (2) Details of the revegetation works proposed within the 100 metre buffer to the SEPP 26 Littoral Rainforest northwest of the site;
- (3) Details of the rehabilitation works within and revegetation works around the Littoral Rainforest EECs. The EMP shall include consideration of the ongoing recreational use of the land and how recreational activities will be managed to ensure that the ecological objective of revegetation are achieved;
- (4) The locations of any required Asset Protection Zones (APZ) and how the ongoing management of the APZs will be achieved;
- (5) An integrated weed management strategy;
- (6) Methods to be utilised to protect all threatened flora and fauna habitat and EECs on the site throughout the life of the project;
- (7) The manner in which public access will be managed throughout the life of the project;
- (8) Details of interpretive signage to be installed;
- (9) A comprehensive mosquito management plan that addresses, but is not limited to:
  - a. Details of an ongoing monitoring program;
  - b. Breeding patterns;
  - c. Sources of control;
  - d. Sources of mitigation; and
  - e. Complaints management;
- (10) Details of an over-arching monitoring program of all EECs and threatened species that measures the on-going viability of these flora on the site; and
- (11) Procedures for the ongoing management of the entire site. Management actions are to commence upon construction and continue until five (5) years after the release of the final subdivision certificate, or as otherwise agreed by the Department following consideration of the results of monitoring required by this plan.

**8) deleting term B2 and replacing with new term B2 as follows:**

***B2 Conservation Zone Management Plan***

The proponent's commitment to prepare a Conservation Zone Management Plan is modified to the following

A Conservation Zone Management Plan is to be prepared by a suitably qualified person(s) that is to receive the prior approval of the Director-General. The Plan is to be prepared in consultation with the Office of Environment and Heritage and Council and

implemented for the area shown as the Conservation Zone on *Illustration C11 – Conservation Zone Plan* dated 15 June 2010. The Plan is to specifically address the management of all retained EECs and threatened species as well as the proposed revegetated areas within the Conservation Zone, but not be limited to, the following:

- (1) A contemporaneous detailed plan specifying all areas of EECs and threatened species habitat to be retained and the areas proposed to be re-established;
- (2) A program for the mapping and monitoring of the location and density of Hairy Joint Grass and Square-stemmed Spike Rush;
- (3) The manner in which retained populations of Hairy Joint Grass and Square-stemmed Spike Rush will be enhanced;
- (4) A rehabilitation plan that details the manner in which the functions and values of the Freshwater Wetlands EEC will be restored;
- (5) Details of an on-site compensation strategy that offsets the loss of Freshwater Wetlands EEC, Hairy Joint Grass and Square-stemmed Spike Rush across the site (determined by terms B1(1) and B2(1)), including details of:
  - a. The goal of the on-site compensation;
  - b. Details of the compensatory measures to be implemented;
  - c. A timeline for implementation of the measures;
  - d. Details of how the success of the compensatory measures are to be measured, including monitoring requirements;
  - e. Details of the contingency measures to be undertaken where the compensatory works have been unsuccessful, such as off-site compensation measures, bonding arrangements and the like;

Note: the proponent has indicated that an offset ratio of at least 2:1 is achievable on the site.

- (6) Details of the proposed translocation of Hairy Joint Grass and Square Stem Spike Rush within the Conservation Zone;
- (7) A Water Management Plan that addresses the manner in which the hydrological regime of the Freshwater wetlands EEC and associated threatened species will be maintained throughout the life of the project and is to include, but not be limited to:
  - a. An assessment of the pre-development hydrological regime including surface and groundwater inflows and outflows;
  - b. Measures to be implemented to ensure the pre-development hydrological regime is maintained;
  - c. Mapping of the extent of the seepage areas and measures to ensure their ongoing protection; and
  - d. Detailed design, installation and maintenance methods of the proposed weirs and other infrastructure identified in *Illustration C7* dated 14/8/2008 to ensure the maintenance of the existing hydrological regime.
- (8) An integrated weed management strategy;
- (9) A concise set of ongoing management requirements to achieve a self-sustaining ecological system;
- (10) Methods to be utilised to protect all threatened flora and fauna habitat and EECs on the site throughout the life of the project;
- (11) The manner in which public access will be managed throughout the life of the project; and
- (12) Details of interpretive signage to be installed.

**9) Immediately after condition B2, inserting new condition B2A as follows:**

**B2A Works Within Conservation Zone**

The concept plan is modified such that no habitat modification, such as through landforming, within or translocation of threatened species into the conservation zone is permitted unless it has been approved through the Conservation Zone Management Plan required under term B2 of this approval.

**10) deleting term B3 and replacing with new term B3 as follows:**

**B3 Ecological Compensation**

A monetary contribution of \$30,000 per year for a period of three consecutive years shall be paid to compensate for the loss of Hairy Joint Grass habitat and Freshwater Wetlands endangered ecological community (EEC).

The contribution shall be used to fund research into the recovery of Hairy Joint Grass and Freshwater Wetlands EEC, such as through contributing to the development of Recovery Plans or Priority Actions for these flora.

The proponent shall prepare a brief for the research, in consultation with the Office of Environment and Heritage and Council, which includes details of who will carry out the research and how the money will be spent. The brief is to be submitted for the Department's approval prior to the issue of the construction certificate for stage 1B.

The first \$30,000 shall be paid to the nominated body(ies) prior to the release of the subdivision certificate for stage 1B of the project approval. Subsequent payments are to be made on or before the anniversary of the first payment.

**11) deleting term B4(2) and replacing with new term B4(2) as follows:**

The concept plan is modified so that no landmark feature is permitted in the conservation area or Super Lot 4 (as shown in *Illustration C9 Building Heights Plan* dated 15 June 2010).

**12) deleting the words "B4(1)" in term B5 and replacing with the words "B5(1)".**

**13) inserting new term B7A immediately after term B7 as follows:**

**B7A Limits on Land Release**

(1) The concept plan is modified such that no construction certificate may be issued for lots beyond Stage 5 or for the final 126 residential lots, whichever is reached first, until such time as Hutley Drive is extended north from the site to North Creek Road.

(2) Notwithstanding (1), if further traffic analysis demonstrates that the extension to Hutley Drive is required at another stage, the Director-General may restrict the release of further construction certificates beyond that stage until Hutley Drive is extended.

Note: In accordance with term A2, the proponent proposes to stage the project, generally in the order described. The traffic modelling undertaken to date identifies that Hutley Drive needs to be extended north before the final 126 lots can be released, which equates to stages 6 to 9.

- 14) deleting term B9.
- 15) deleting term B14.
- 16) deleting term C1 and replacing with new term C1 as follows:

**C1        *Retirement Village***

The future applications for the retirement community shall give consideration to the provision of affordable housing and on-site services for the residents.

- 17) deleting the words “Stages 2, 3 and 4” in term C8 and replacing with the words “Super Lot 8 and Stage 2”.
- 18) deleting the words “condition B6” in term C8 and replacing with the words “term B7”.
- 19) deleting the words “condition B6” and “Stage 3” in term C10 and replacing with the words “term B7” and “Stage 2”, respectively.
- 20) deleting the words “condition B5” in term C12 and replacing with the words “term B6”.
- 21) deleting the words “Stages 3, 4 and 11” in term C13 and replacing with the words “Stages 2, 3 and 9”.
- 22) deleting the words “condition B1(11) in term C15 and replacing with the words “term B1(9)”.
- 23) deleting the words in Schedule 3 and replacing with the following:

07\_0026  
65 LOT SUBDIVISION  
MONTWOOD DRIVE, LENNOX HEAD  
STATEMENT OF COMMITMENTS  
(SOURCE: CORRESPONDENCE REFERRED TO IN CONDITION A4 f))

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# STATEMENTS OF COMMITMENTS – PROPOSED MODIFICATIONS, SEPTEMBER 2010

## Statement of Commitments – Concept Plan

Issue	Commitment	Actions and Timing
General	The developer will carry out the development in accordance with the Environmental Assessment Report, prepared by GeoLINK and dated December 2007, as amended by the Preferred Project Report dated May 2008; in accordance with the Concept Plan illustrations C1 – C11 (as modified); Modification Report prepared by GeoLINK, September 2010; Environmental Impact Assessment and Mitigation Strategy (Cardno, Aug 2010); and in accordance with the specialist supporting reports.	Detailed plans will be submitted to Ballina Shire Council for approval prior to issue of a construction certificate for Stage 1, demonstrating compliance as required. Development applications will be submitted to Ballina Shire Council for approval for all subsequent stages. The applications shall demonstrate compliance with the approved Concept Plan and this Statement of Commitments.
Environmental Management	An over-arching Environmental Management Plan (EMP) will be prepared and will detail specific management actions for all green space areas included in the Amended Concept Plan. The EMP will address at a minimum: <ul style="list-style-type: none"> <li>▪ vegetation management;</li> <li>▪ fauna habitat management;</li> <li>▪ landscaping and revegetation requirements;</li> <li>▪ integrated weed management;</li> <li>▪ stormwater management;</li> <li>▪ mosquito management;</li> <li>▪ asset protection zone management; and</li> <li>▪ waste management.</li> </ul>	A copy of the EMP will be provided to DEWHA, DoP, DECCW and Ballina Shire Council for consideration and approval prior to issue of a Construction Certificate for Stage 1.
Conservation Zone Protection	After an agreed establishment and maintenance period, the Conservation Zone will be transferred to Ballina Shire Council for inclusion into the Environmental Protection Zone 7(a) - Wetlands pursuant to the Ballina Local Environmental Plan (E2 Environmental Conservation under the draft Ballina LEP 2010).	The maintenance period and regime will be agreed as part of the EMP.
	The five (5) Park Court allotments that directly adjoin the Conservation Zone will be fenced in a manner that prohibits access to the Conservation Zone and the construction of gates along the common boundary will be also be prohibited.	



<i>Issue</i>	<i>Commitment</i>	<i>Actions and Timing</i>
Conservation Zone Management	<p>A specific Conservation Zone Management Plan (CZMP) will be prepared and will detail specific management actions for the Conservation Zone that address the following issues:</p> <ul style="list-style-type: none"> <li>▪ delineation of the proposed Conservation Zone;</li> <li>▪ protection measures for retained vegetation;</li> <li>▪ weed removal and control;</li> <li>▪ surface and sub-surface hydrology;</li> <li>▪ revegetation and landscaping within the Conservation Zone;</li> <li>▪ the provision of suitable access to facilitate management of Conservation Zone;</li> <li>▪ community awareness and education;</li> <li>▪ the staging of management actions and works;</li> <li>▪ performance indicators against which the success of the CZMP is to be assessed at specified intervals;</li> <li>▪ ongoing monitoring and maintenance;</li> <li>▪ adaptive management mechanisms and processes;</li> <li>▪ documentation and reporting; and</li> <li>▪ roles and responsibilities.</li> </ul>	<p>A copy of the CZMP will be provided to DEWHA, DoP, DECCW and Ballina Shire Council for consideration and approval prior to issue of a Construction Certificate for Stage 1.</p>
Construction Environmental Management	<p>Prior to the commencement of any construction works on the site, stage-specific Construction Environmental Management Plans (CEMP) will be prepared that clearly state the restrictions associated with the presence of threatened flora species and the Freshwater wetland EEC, and the penalties that will be enforced should construction activities result in any unauthorised disturbance to the retained populations and community. The CEMPs will be consistent with the requirements of the over-arching EMP but will be presented in a format that is targeted directly at contractors involved in the construction of the estate.</p>	<p>Each CEMP shall be submitted to and approved by DoP, DEECW and Ballina Shire Council prior to the issues of construction certificates for each stage of the development.</p>

Issue	Commitment	Actions and Timing
	<p>Each Construction Environmental Management Plan (CEMP) shall include, but not be limited to:</p> <ul style="list-style-type: none"> <li>the manner in which public access will be managed during both construction and operation; and</li> <li>methods to be utilised to protect all threatened flora and fauna habitat and EECs on the site during construction.</li> </ul>	
Integrated Water Cycle Management	The proponent will commit to constructing the creek corridors to convey major flood waters and to design of the subdivision such that the flood planning levels are set at those recommended within Council's relevant Floodplain Management Plan;	Stormwater management details and details of all earthworks will be submitted to Council for approval prior to the issue of a Construction certificate for Stage 1. Approved stormwater controls / management measures will be constructed prior to the issue of a Subdivision Certificate.
	The proponent will construct WSUD measures, including small dry detention systems upstream of the Water Quality Control Pond, above the 1% ARI flood extent;	Details will be outlined in the stormwater management plan submitted to Council for approval prior to the issue of a Construction certificate for Stage 1. Approved stormwater controls / management measures will be constructed prior to the issue of a Subdivision Certificate.
	The proponent will also commit to ongoing monitoring of stormwater quality and continued maintenance of the stormwater treatment train	<p>Details of monitor regimes will be provided to Council for approval prior to issue of a Construction certificate for Stage 1.</p> <p>Management of the Water Quality Control Pond will be taken over by Council in 2010 whilst management of the stormwater conveyance systems will be split between Council and land owners depending on specific land uses and future titling.</p> <p>Monitoring shall be carried out of the stormwater measures in each stage, for a period of two years following construction of that stage. Summary reports shall be provided to Council after twelve months and at the end of the monitoring period outlining the monitoring undertaken and the results obtained.</p>
Acid Sulfate Soils	Sampling (at a rate of 1/1000 m <sup>3</sup> of excavated material) and laboratory analysis will be undertaken within areas of the site below RL 10 m, where excavation is proposed below natural ground level. The results will be used to determine appropriate liming rates and management requirements if necessary	An Acid Sulfate Management Plan will be submitted to Council for approval prior to the issue of a Construction certificate for Stage 1.

Issue	Commitment	Actions and Timing
Infrastructure Provision	The proponent will provide reticulated potable and non-potable water supply, sewerage, telecommunications facilities and underground electricity to all lots.	Details will be provided to Council for approval prior to the issue of a Construction certificate for Stage 1. For all other stages, details will be provided with subsequent Development Applications.
Community Facilities	The proponent will provide a multi-purpose community hall, with a floor space of approximately 300 m <sup>2</sup> , located within the neighbourhood centre.	A 'super lot' will be created in Stage 1 (see Project Approval), with an area of approximately 1,990m <sup>2</sup> . Subsequent to approval of the Project Application, the proponent will lodge a development application for the Community Hall. The proponent will build the hall and associated car parking following approval and dedicate the land and completed hall to Council at a date to be agreed.
Mosquito Impact	A comprehensive mosquito management plan shall be prepared that addresses the commitments below and includes the details of the required monitoring program. The Plan shall address the management of exposure to <i>Verrallina funerea</i> , <i>Culex annulirostris</i> and <i>Aedes procax</i> associated with the conservation areas within the site.	The management plan shall be provided with the application for Construction Certificate for Stage 1 and then updated as relevant to accompany development applications for subsequent stages.
	Street lighting will be provided with shields or yellow filters to minimise artificial light attracting mosquitoes from the Ballina Nature Reserve into residential areas;	Details will be provided to Council for approval prior to the issue of a Construction certificate for Stage 1, and with all subsequent Development Applications for future stages of the development
	Exposure to <i>Aedes vigilax</i> and mosquitoes in general will be effectively managed in residential allotments by standard type mosquito screening fitted to residential dwelling windows and external doors to restrict entry of mosquitoes during occasional periods of high mosquito numbers.	This information will be provided with all future sales information
	Mosquito awareness materials should be made available to residents of Pacific Pines.	This information will be provided with all future sales information
	Rainwater tanks included (potentially) within the development should be protected by having mosquito proof screens fitted to openings including inspection openings and overflows. Such screens should be made of durable material such as stainless steel. The mesh size should not provide an aperture of more than 1mm.	This detail will be assessed in future development applications. Information will be provided with all future sales information.

<i>Issue</i>	<i>Commitment</i>	<i>Actions and Timing</i>
	Monitoring of all mosquito management measures shall be carried out by the developer.	Monitoring shall be carried out for the works in each stage, for a period of two years following completion of construction of that stage. Reports shall be provided to Council at the end of twelve months and at the end of the monitoring period summarising the effectiveness of the controls
Traffic and Access	The proponent will construct the extension of Hutley Drive, from the northern boundary of the site to a point approximately 50m south of the intersection with Main Street (i.e. southern boundary of Lot 234).	Details will be provided to Council for approval prior to the issue of a Construction certificate for Stage 1. Hutley Drive will be constructed in accordance with approved plans prior to the release of a Subdivision Certificate and will be maintained by the developer for a period of 12 months following completion of construction.
	All internal roads will be constructed in accordance with the road types identified in Appendix F of the EA documentation (as amended) and in accordance with relevant local and Australian Standards.	Details will be provided to Council for approval prior to the issue of a Construction certificate for Stage 1. Internal roads will be constructed in accordance with approved plans prior to the release of a Subdivision Certificate and will be maintained by the developer for a period of 12 months following completion of construction.
Cultural Heritage	Nominated representatives from Jali LALC will be engaged to monitor initial excavations.	Monitoring will be carried out by strip sampling by grader scrape of the lower slopes. The Proponent/Project Managers must give prior warning of at least two weeks of the programme of works to the Jali LALC. The costs of monitoring are to be negotiated between the Proponent and the Jali LALC.
	If, in the process of works within the site, that at any time it is believed materials of an Aboriginal origin are found, works at the location must stop immediately. The NSW DECC Regional Office – Coffs Harbour and Jali LALC must be advised and advice sought as to the most appropriate course of action to follow. Jali LALC may also wish to inform Traditional Owner respondents and seek their views as to how cultural heritage values might be impacted and to how best to mitigate potential impacts. Works must not proceed in the specific location without written consent of the DECC and Jali LALC.	A protocol relating to this requirement will be developed and all site construction staff will be trained in the protocol

<i>Issue</i>	<i>Commitment</i>	<i>Actions and Timing</i>
	<p>Prior to any vegetation clearing and initial earthworks contractors be advised of the statutory requirements of the <i>National Parks and Wildlife Act 1974</i> (NSW) that in regard to Aboriginal sites or relics: it is an offence to knowingly disturb, deface, damage or destroy, or to permit the disturbance, defacement, damage or destruction of a relic without first obtaining written consent to do so from the Director General of the DECC.</p>	<p>A protocol relating to this requirement will be developed and all site construction staff will be trained in the protocol</p> <p>An Aboriginal Cultural Heritage Education Program will be developed for induction of personnel and contractors.</p>
	<p>The areas identified as potentially of local significance will not be subject to any modification without the consent of the Traditional Owners. These areas will be:</p> <ul style="list-style-type: none"> <li>▪ fenced off by a temporary fence during any construction on nearby land to prevent inadvertent damage by work vehicles; and</li> <li>▪ when fenced, signed with notification that the area inside the fence is culturally sensitive and that it is an offence under Section 86 of the <i>National Parks and Wildlife Act 1974</i> (NSW) to harm Aboriginal Cultural Heritage.</li> </ul>	