

From: [Corey O'Driscoll](#)
To: [Paul Maher](#)
Cc: [Rose O'Sullivan](#)
Subject: RE: HPE CM: North Tuncurry Urban Release Area - Heritage NSW referral
Date: Monday, 26 September 2022 2:06:19 PM
Attachments: [image005.png](#)
[image006.png](#)
[image007.jpg](#)
[image008.jpg](#)
[image009.jpg](#)

Dear Paul,

Thank you for your referral of the *North Tuncurry Urban Release Area – SEPP amendment* and for your time on the phone on Monday. I have previously provided comment on the Planning Proposal (DOC21/430394; June 2021), while the Biodiversity and Conservation Division (BCD) (now Heritage NSW) also provided comment in May 2020. Subsequently, the Addendum to the ACHAR, prepared by RPS was updated in August 2021 to include an additional recommendation (Recommendation 2, Section 11) for an updated visual inspection to be conducted to verify any potential subsurface impacts caused by sand mining and re-inspect the two AHIMS prior to any Development Applications.

Comments provided in by both Heritage NSW and BCD identified the following:

- Site cards need to be updated;
- Need to address the geotechnical report produced by Douglas Partners (1988) that showed no evidence of sand mining within the proposal area;
- The proposal area contains landscape features that have a high potential for subsurface deposit;
- Details of archaeological survey conducted in 2011. An updated survey, and potentially sub-surface testing program, be conducted prior to the SEPP amendment;
- Heritage conservation strategy for areas where ground disturbance works may impact surface and sub-surface Aboriginal Objects; and
- Update consultation with Registered Aboriginal Parties (RAPs).

The site cards have since been updated, however the updated Amended ACHAR has not addressed the other concerns raised by Heritage NSW.

The additional Recommendation (RPS 2021) proposes addressing further Aboriginal cultural heritage assessment requirements at a later development stage. However, Heritage NSW recommends undertaking a more comprehensive archaeological assessment at this stage to provide more certainty to future development proposals. All potential Aboriginal cultural heritage constraints need to be identified as early as possible so that proponents, Council, and the Department are appropriately informed. This provides the opportunity for planning or design measures to be employed to avoid or mitigate harm to Aboriginal cultural heritage if Aboriginal objects are identified.

There is a risk that Heritage NSW may not be able to approve any future Aboriginal Heritage Impact Permit (AHIP) application without the completion of a comprehensive and up to date Aboriginal cultural heritage assessment report.

Additionally, Heritage NSW requires that consultation with RAPs be continuous. An unexplained break of more than six months may not constitute continuous consultation. If continual consultation cannot be demonstrated, Heritage NSW may require that the consultation process

restart.

We reiterate our previous comments and recommend the ACHAR is revised to address the above and inform this SEPP amendment.

Thank you for the opportunity to comment again on the SEPP amendment and if you have any further question or require additional comment on the amendment, please do not hesitate to contact me.

Kind regards,
Corey.

Corey O'Driscoll

Senior Assessments Officer (Archaeologist)
Heritage NSW, Environment and Heritage Group
Department of Planning and Environment

Level 3, 11 Farrer Place, Queanbeyan NSW 2620

T: [REDACTED] [REDACTED]



I acknowledge and respect the traditional custodians and ancestors of the lands I work across.

Please note my work days are Monday to Wednesday. For anything urgent, please contact Nicole Davis ([REDACTED]). Otherwise, I will respond to your email as soon as possible when I am back in the office.

From: Paul Maher [REDACTED]
Sent: Friday, 23 September 2022 3:55 PM
To: OEH HD Heritage Mailbox [REDACTED]
Cc: Corey O'Driscoll [REDACTED]
Subject: RE: HPE CM: North Tuncurry Urban Release Area - Heritage NSW referral

Hi Corey,

Will NSW Heritage be issuing updated advice on North Tuncurry URA as discussed on the phone recently?

Regards

Paul

From: Paul Maher
Sent: Tuesday, 6 September 2022 5:21 PM
To: [REDACTED]
Cc: Corey O'Driscoll [REDACTED]
Subject: FW: HPE CM: North Tuncurry Urban Release Area - Heritage NSW referral

To Heritage NSW

Please see referral below sent on 2 September 2022.

Regards

Paul Maher
Senior Planning Officer

Central Coast and Hunter | Local and Regional Planning
Planning and Land Use Strategy | Department of Planning and Environment
T [REDACTED] | E [REDACTED]
6 Stewart Avenue, Newcastle NSW 2300
www.planning.nsw.gov.au



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The Department of Planning and Environment acknowledges that it stands on Aboriginal land. We acknowledge the traditional custodians of the land and we show our respect for elders past, present and emerging through thoughtful and collaborative approaches to our work, seeking to demonstrate our ongoing commitment to providing places in which Aboriginal people are included socially, culturally and economically.

From: Paul Maher
Sent: Friday, 2 September 2022 9:58 AM
To: Corey O'Driscoll [REDACTED]
Subject: HPE CM: North Tuncurry Urban Release Area - Heritage NSW referral

Hi Corey O'Driscoll,

North Tuncurry Urban Release Area (NTURA) rezoning proposal was placed on public exhibition on the Department of Planning and Environment's website [here](#). The proposal was on exhibition from 1 May 2022 to 17 June 2022.

I refer the proposal to NSW Heritage and would like to extend the opportunity for your team to provide comment further to that already received as listed below should they require.

- North Tuncurry Rezoning response – 18 June 2021 - DOC21/430394

I note there are outstanding issues in your previous advice that relate to the site cards, site boundaries demarcation and a request for a complete new survey. The Aboriginal Cultural Heritage Assessment Report Addendum by RPS was updated on 26 August 2021 which postdates Heritage NSW advice and addresses these comments.

Any written comment in response to the public exhibition of the proposed rezoning is required in 21 days from this email (due **23 September 2022**).

If you would like to discuss any of these matters, please do not hesitate to contact me on the number below.

Regards

Paul Maher
Senior Planning Officer

Central Coast and Hunter | Local and Regional Planning
Planning and Land Use Strategy | Department of Planning and Environment
T [REDACTED] | E [REDACTED]
6 Stewart Avenue, Newcastle NSW 2300
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