

Our ref: HMS ID 7490

Michael Doyle
Department of Planning, Housing and Infrastructure
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Letter provided via email

Aboriginal Cultural Heritage Advice on Modification Report – State Significant Development

Proposal: Rosedale Residential Subdivision Concept Plan - Modification

Major Project reference: MP05_0199-Mod-2

Received: 9 October 2024

Dear Michael,

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

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

- Relevant Sections of Request to Modify a Concept Plan Approval for a residential subdivision at Rosedale: Modification Report - prepared by Walker Corporation Pty Ltd, dated September 2024.
- Appendix M: Bevan Road -Rosedale Aboriginal Cultural Heritage Assessment Report (ACHAR) - prepared by Navin Officer Heritage Consultants Pty Ltd, dated July 2024

Based on the reports provided in support of the modification, there is insufficient information provided for Heritage NSW to advise the Department on whether the management recommendations are adequate and if the ACHAR substantially complies with the SEARs. In order to establish the nature and extent of the Aboriginal cultural heritage values proposed for impact by this development further information is requested. We have included detailed advice in **Attachment A**.

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,

Nicole Davis

Nicole Davis

Manager Assessments

Heritage NSW

Department of Climate Change, Energy, the Environment and Water

As Delegate under *National Parks and Wildlife Act 1974*

4 November 2024

Attachment A – Detailed Heritage Advice

Aboriginal Cultural Heritage

- 1) We recommend that additional documentation of the consultation process is requested.
 - a) The applicant needs to provide evidence that consultation was kept continuous as the ACHAR states that the survey was undertaken in September 2002 and the Draft ACHAR was provided to Raps on the 3 April 2024. Heritage NSW requires that consultation with Registered Aboriginal Parties (RAPs) is continuous. Under our guidelines, breaks in consultation of over six months may not constitute continuous consultation. If an unexpected break of greater than six months has occurred, the applicant may be required to restart the consultation process.
 - b) Please provide copies of the correspondence with registered Aboriginal parties throughout the consultation process as required by Section 5.3 of the *Aboriginal cultural heritage consultation requirements for proponents 2010* (DECCW) including the most recent consultation in 2024.
- 2) As per Requirement 2 of the Code of Practice, please include mapping of the soil landscapes and geology of the project area and its surrounds. Section 3 of the ACHAR lacks required detail and critique on how the relevant landforms, topography, and hydrology influence the potential for Aboriginal cultural heritage in the project area.
- 3) Please provide clarification on the legend of Figure 4.1 for example what are 'areas of archaeological salvage'.
- 4) Please provide further explanation and justification for the assessment of potential archaeological deposit (PAD). For example in Section 6.2 of the ACHA multiple surface artefact sites are identified on vehicle tracks on slopes and are stated to have no PAD due to shallow soils and disturbance. Please clarify if archaeological potential was assessed in the undisturbed areas near the tracks or upslope of the sites.
- 5) Please provide further information and explication on the results of the 2004 test excavations.
 - a) please provide mapping showing the results of test excavation including the spatial distribution of the artefact densities recovered.
 - b) The ACHAR notes artefacts were recovered in testing areas 3, 4, 5, 6 and 7. Please provide mapping identifying the location of the testing areas including both those that demonstrated subsurface deposit and those that did not. Please confirm that AHIMS sites were registered for the testing areas where subsurface deposit was confirmed and proposed impacts to these sites were assessed as a part of the ACHA.
 - c) As the testing resulted in recovery of artefacts out of 53 of the 68 excavated test pits including all of the testing areas selected for landform sampling, was the need for further test excavation considered. Please provide detail of the review of the predictive model and re-assessment of PAD for the landform types that demonstrated subsurface deposits with consideration of the test excavation results.
 - d) Please provide the conclusions and recommendations of the test excavation report and an assessment of their relevance to the current proposed impacts.
- 6) Please provide mapping showing the areas of survey and the areas that have been subject to test excavation relative to the areas proposed for impact as a result of the modification.

- 7) Please clarify and justify the level of harm proposed for the sites in Table 8.1 of the ACHA. It is noted that 58-4-1515 is described as is no harm while 58-4-1514 is noted as limited harm despite being further from the potential development impacts shown on Figure 8.3.