



Our File No: EF18/45980

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The Acting General Manager, Mr Gary Woodman
Upper Lachlan Council
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Email: council@upperlachlan.nsw.gov.au

Attn: Ms Jacqueline Impey

Dear Mr Woodman

PRE-PLANNING PROPOSAL REFERRAL relevant to Lot 20 DP 777962; Lots 5 and 13 DP 264152, Lots 29 and 75 DP 750008 at Breadalbane Road, COLLECTOR, UPPER LACHLAN COUNCIL

I refer to a request to provide pre planning proposal advice based on an *Aboriginal Due Diligence Assessment Report prepared for Collector Rural Lands by Past Traces date 19 October 2017*. The Heritage Division, Office of Environment and Heritage was referred this assessment due to this report identifying the possibility for Historical Archaeological relics within the area subject to the planning proposal.

This letter provides advice to Council about requirements under the *Heritage Act 1977* to manage disturbance to historical archaeological relics.

The *Heritage Act 1977* provides protection for historical archaeological relics where a relic is defined under s.4 of the Act as

'any deposit, artefact, object or material evidence that: a) relates to the settlement of the area that comprises NSW, not being Aboriginal settlement, and b) is of State or local heritage significance'.

The Due Diligence Assessment prepared by Past Traces has identified in the field survey which supported this document two sites which have the potential to contain historical archaeological relics. These sites are identified as 'a possible hut site' recorded as CDDH1 and CDDH2 an historical mine shaft/test pit. This Due Diligence assessment recommends further research and assessment is appropriate for these two sites. The Heritage Division concurs with this advice to confirm whether these sites contain historical archaeological relics which would require management within the proposed subdivision and redevelopment of this land, as currently proposed.

To appropriately investigate and assess these sites, it would be appropriate to require the Proponent to undertake an historical archaeological assessment prior to lodgement of the Planning Proposal. This would inform heritage constraints relevant to the proposed land use change. This Assessment should comply with Heritage Council of NSW Guidelines '*Archaeological Assessments 1996*' and '*Assessing Significance for Historical Archaeological Sites and Relics 2009*' and should be prepared by a suitably qualified and experienced historical archaeologist.

If this assessment confirms these sites contain historical archaeological relics within the meaning of the *Heritage Act 1977*, any following proposal involving subdivision and future redevelopment should be supported by that historical archaeological assessment. The development should also identify and address what attempts have been made to avoid and mitigate the impacts of that proposal to significant relics identified.

Approval under s139 of the *Heritage Act 1977* would first be required where development (involving disturbance and excavation) was likely to 'result in a relic being discovered, exposed, moved, damaged or destroyed'.

The Heritage Division, Office of Environment as delegate of the Heritage Council of NSW would be happy to review the historical archaeological assessment prepared for the subject sites and provide comments to Council as a development application referral. This may assist Council to clearly understand any management requirements required under the *Heritage Act 1977* for this site.

If you have any questions regarding the above matter please contact Felicity Barry, Senior Historical Archaeologist, at the Heritage Division, Office of Environment and Heritage, on (02) 9995 6914 or by email at Felicity.Barry@environment.nsw.gov.au.

Yours sincerely



21 November 2018

Dr Siobhan Lavelle, OAM
Senior Team Leader, Specialist Services
Heritage Division
Office of Environment and Heritage

AS DELEGATE OF THE NSW HERITAGE COUNCIL OF NSW