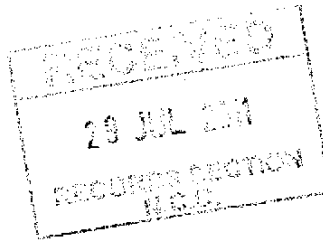




Office of Environment & Heritage



Your reference: DA No. 11/0590
Our reference: DOC11/30153 & FIL10/529
Contact: Nick Pulver, Ph: (02) 6659 8225

General Manager
The City of Newcastle
PO Box 489
NEWCASTLE NSW 2300

Attention: Ms Melissa Thomas, Senior Development Officer

Dear Sir

Re: Development Application No.: 11/0590 – Lot 901 DP 1022872, 221 Minmi Road, Fletcher, NSW

I refer to the correspondence from The City of Newcastle (Council) and accompanying documentation received by the Office of Environment and Heritage (OEH), dated 20 June 2011, concerning the proposed Development Application (DA) No.: 11/0590. I also refer to additional documents received by OEH from Council, dated 7 July 2011, regarding the same matter.

OEH understands that the DA was lodged with Council under the provisions of Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). OEH notes that the DA proposes to develop Lot 901 DP 1022872, 221 Minmi Road, Fletcher, into a local retail centre and associated infrastructure.

Aboriginal Cultural Heritage Assessment

The importance of protecting Aboriginal cultural heritage is reflected in the provisions of the *National Parks and Wildlife Act 1974* (NPW Act), as amended. That Act clearly establishes that Aboriginal objects and places are protected and may not be harmed, disturbed or desecrated without appropriate authorisation. Importantly, approvals under Parts 4 of the EP&A Act do not absolve the applicant of their obligations under the NPW Act.

OEH has accordingly reviewed the documentation provided by Council in support of the DA, including the '221 Minmi Road, Fletcher, NSW – Aboriginal Archaeological and Cultural Heritage Assessment – Final Report' (dated May 2011), to assess the potential impacts of the proposed development on Aboriginal cultural heritage in accordance with OEH's Aboriginal cultural heritage assessment guidelines and the requirements of the NPW Act. The following advice is provided to Council and the applicant following this review.

Aboriginal cultural heritage values

The Department of Environment, Climate Change and Water is now known as the
Office of Environment and Heritage, Department of Premier and Cabinet

Locked Bag 914, Coffs Harbour NSW 2450
Federation House Level 7, 24 Moonee Street,
Coffs Harbour NSW 2450
Tel: (02) 6651 5946 Fax: (02) 6651 6187
ABN 30 841 387 271
www.environment.nsw.gov.au