



## Office of Environment & Heritage

DOC17/188748  
DA/80/2017

Mr Alex McDougall  
Executive Planner City Significant Development  
City of Parramatta Council  
PO Box 32  
PARRAMATTA NSW 2124

Dear Mr McDougall

### **Old Kings School - 3 Marist Place and 24 O'Connell St Parramatta**

I refer to Council's most recent request to the Office of Environment and Heritage (OEH), dated 15 February 2017, for general terms of approval (GTAs) for the construction of a demountable 1 - 2 storey school for 1000 students, including associated access work and tree removal at the above address.

OEH understands the requirement for GTAs is based on the knowledge that an Aboriginal Heritage Impact Permit (AHIP) is required for a development to be carried out (s.91(1) of the *Environmental Planning and Assessment Act 1979*). This is a decision for the applicant to make. The onus is on the applicant to determine if Aboriginal objects are present and if those objects will be harmed by the proposed development, thereby triggering the need for an AHIP.


OEH has advised Department of Education, the applicant, that it should carry out Aboriginal archaeological test excavations to determine if the proposed development may have the potential to harm Aboriginal objects. An AHIP for test excavations would be required due to the potential for contact archaeology to be present at the site. OEH's advice is supported by the *Old Kings School, Parramatta Aboriginal Heritage Impact Assessment Report* prepared by AHMS (heritage consultants), dated 3 May 2016, supplied to OEH by the Department on 3 March 2017. The report identifies the majority of the proposed development site (the oval) as an area of high and moderate predicted Aboriginal archaeological sensitivity. Aboriginal objects were also noted to have been found in fill adjoining the oval to the south. The report recommended that where impacts to areas of high and moderate sensitivity cannot be avoided, investigation of the cultural deposits (archaeological testing) should be undertaken prior to development.

On the 23 March 2016, Mr Tony McCabe from the Department of Education advised OEH in a telephone conversation that as the Department will not be impacting Aboriginal objects, the Department does not require an AHIP for the development the subject of DA/80/2017. On that basis OEH assumes that Council cannot request GTAs from OEH nor can OEH provide GTAs. However, Council may want to consider the inclusion of the attached conditions in its consent.

OEH has also advised the Department of Education that should it harm an Aboriginal object without an AHIP, it will be in breach of the *National Parks and Wildlife Act 1974*.

If you have any further questions about this issue, please contact Susan Harrison, Senior Team Leader Planning on 9995 6864 or at [susan.harrison@environment.nsw.gov.au](mailto:susan.harrison@environment.nsw.gov.au).

Yours sincerely

  
DAYLAN CAMERON  
Acting Director, Greater Sydney  
Regional Operations

30/3/2017 -

Contact officer: SUSAN HARRISON  
9995 6864

Attachment: Office of Environment and Heritage Recommended Conditions for DA/80/2017  
– Old Kings School 3 Marist Place and 24 O’Connell Street Parramatta

OEH provides the following conditions relevant to Aboriginal cultural heritage for the proposed development that Council may wish to consider attaching to a development consent.

- If Aboriginal objects will be harmed as result of development, a s.90 Aboriginal Heritage Impact Permit (AHIP) under the *National Parks and Wildlife Act 1974*, must be sought and granted for these objects prior to the commencement of works. Any Aboriginal archaeological test excavations to inform the AHIP for harm, will also require an AHIP.
- The AHIP application must be accompanied by appropriate documentation and mapping as outlined on page 6 of *Applying for an Aboriginal Heritage Impact Permit, Guide for Applicants*.
- Consultation with the Aboriginal community undertaken as part of the AHIP application must be in accordance with the *Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010*.
- Long term management of Aboriginal objects must be considered as part of the AHIP application.