



Our ref: DOC20/227822-1
Your ref: DA 19-566

Ms Tegan Harris
Maitland City Council
tegan.harris@maitland.nsw.gov.au

Dear Tegan

DA 19-566 – 3 Norfolk St, ASHTONFIELD (Lot 1 DP1132252)

I refer to your correspondence (12 March 2020) regarding the Development Application (DA) above. Maitland City Council originally referred this integrated DA to the Biodiversity and Conservation Division (BCD) of the Department of Planning, Industry and Environment (DPIE) on 28 October 2019, seeking General Terms of Approval (GTA's) with respect to the Aboriginal cultural heritage constraints previously identified for this property.

BCD stopped the clock in relation to this DA on 12 November 2019, at which time we advised that the information supplied with the application did not adequately assess the impacts of this proposal on the Aboriginal archaeological and cultural heritage values of the subject land. BCD requested the applicant supply an Aboriginal Cultural Heritage Assessment Report (ACHAR) for the project, which would support a future application for an Aboriginal Heritage Impact Permit (AHIP) for the development.

We understand that in response to that request, the applicant has recently supplied an ACHAR for the proposed development area. BCD has reviewed the additional supplied documentation relevant to this application, including:

- *Aboriginal Cultural Heritage Assessment Report, Ashtonfield Public School, Ashtonfield NSW, Apex Archaeology, 3 March 2020.*

The supplied ACHAR identifies three Aboriginal sites that have previously been recorded within the proposed development area. Two of these (AHIMS #38-4-0711 and #38-4-0712) have been destroyed under a previous Consent to Destroy (Permit #2475), which was issued for the original construction of the Ashtonfield Public School. The third site (AHIMS #38-4-0954) is a registered Potential Archaeological Deposit (PAD) that was originally identified and subject to archaeological test excavation in 2004, prior to the original construction of the school.

While the previous Consent to Destroy authorised harm to part of this PAD, a remaining extant portion of the PAD was subject to additional archaeological text excavation in 2019 under the *Code of Practice for Archaeological Investigation of Aboriginal Objects in New South Wales* (DECCW 2010) as part of the assessment for the current development proposal. This testing determined that the remaining portion of the PAD is not a site. Updated Aboriginal Site Impact Recording Forms have been supplied to the Aboriginal Heritage Information Management System (AHIMS) and each of the three sites are listed as 'destroyed' on AHIMS.

The ACHAR concludes that there are no valid Aboriginal sites within the school boundaries and the project is not considered likely to impact on Aboriginal cultural heritage within the proposed development area. The ACHAR recommends that no further assessment is required for the site and the proposed development does not require an AHIP application. BCD is satisfied with the adequacy of the assessment and its findings.

Based on the information presented in the supplied ACHAR, BCD has determined that the DA is no longer integrated under s90 of the *National Parks and Wildlife Act 1974*, as an AHIP application is not required for the proposed development. Therefore, BCD is no longer an Approval Body with respect to this DA and does not need to issue GTAs for this development. BCD has no further comment with respect to this DA.

If you require any further information regarding this matter, please contact Laura Dafter, Archaeologist, on 4927 3132 or via email at rog.hcc@environment.nsw.gov.au.

Yours sincerely,

A handwritten signature in dark ink, appearing to be 'SC', with a long horizontal stroke extending to the right.

20 March 2020

Steven Cox
Senior Team Leader Planning
Hunter Central Coast Branch
Biodiversity and Conservation Division