



Our ref: DOC21/690904
Senders ref: DA 2020.1351

Jacinta Tonner
Queanbeyan-Palerang Regional Council
By email: jacinta.tonner@gprc.nsw.gov.au

Advice uploaded via the Concurrence and Referral Portal

Dear Jacinta,

**HERITAGE NSW – ADVICE
INTEGRATED DEVELOPMENT APPLICATION
NATIONAL PARKS & WILDLIFE ACT 1974**

Address: 360A Alderson Place Tralee 2620 - Lot 1 DP333443, Lot 1 DP651918, Lot 226 DP665411, Lot 181 DP754912, Lot 2 DP1006051, Lot 1 DP1006051, Lot 6 DP1007339, Lot 4 DP1007339, Lot 5 DP1007339, Lot 3 DP1007339, Lot 7 DP DP1007339, Lot 1 DP1039904, Lot 1 DP1007339, Lot 2 DP1007339, Lot 1 DP224095, Lot 5 DP224095, Lot 4 DP224095, Lot 2 DP224095, Lot 3 DP224095, Lot 1 DP313299, Lot 1 DP323002, Lot 4 DP130629, Lot 3 DP239080, Lot 6 DP130629, Lot 6 DP239080, Lot 5 DP130629, Lot 1 DP213249, Lot 1 DP1207489

Proposal: Queanbeyan-Palerang Regional Sports Complex

IDA application no: DA.2020.1351 (CNR-10697)

Thank you for referring the above integrated development application (IDA) to our office. We understand that Council is seeking our general terms of approval (GTAs) pursuant to s4.46 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Heritage NSW previously issued two requests for additional information on 17 September 2020 and 25 January 2021. The requests related to requiring the results of test excavations to adequately assess the impact of the development.

On 11 August 2021, Heritage NSW received additional information via the Concurrence and Referral (CNR) planning portal in response to our requests. We have reviewed this additional information and note the archaeological investigations have not identified any Aboriginal objects within the area proposed for impact by the development.

It is stated in s.4.46(2)(a) of the EP&A Act that development is not integrated development in respect of an Aboriginal Heritage Impact Permit under Part 6 of the *National Parks and Wildlife Act 1974* (NPW Act) unless an Aboriginal object is known, immediately before the development application is made, to exist on the land to which the development application applies.

Accordingly, based on the additional information now provided, our understanding is that since there are now no known Aboriginal objects proposed to be impacted by the development, the development is not integrated for the purposes of the NPW Act and so we cannot provide GTAs.

We remind Council and the applicant that all Aboriginal objects are protected under the NPW Act and it is an offence to harm any object without a valid defence. If harm to Aboriginal objects

cannot be avoided, an Aboriginal Heritage Impact Permit (AHIP) will need to be approved by Heritage NSW before work may proceed.

Should Council provide approval for the development, we suggest the following conditions of consent to ensure compliance with legislation is in place to protect Aboriginal sites and objects and ensure that no additional harm is caused should Aboriginal cultural heritage values be encountered:

Recommended Conditions of Consent for Aboriginal cultural heritage:

- No Aboriginal objects may be harmed without an approval from Heritage NSW.
- If any Aboriginal object(s) is discovered and/or harmed in, or under the land, while undertaking the proposed development activities, the proponent must:
 - Not further harm the object
 - Immediately cease all work at the particular location
 - Secure the area so as to avoid further harm to the Aboriginal object
 - Notify Heritage NSW as soon as practical on 131 555 or emailing info@environment.nsw.gov.au, providing any details of the Aboriginal object and its location
 - Not recommence any work at the particular location unless authorised in writing by Heritage NSW.
- If harm to Aboriginal objects cannot be avoided, an application for an Aboriginal Heritage Impact Permit (AHIP) must be prepared and submitted to Heritage NSW before work may continue.
- In the event that skeletal remains are unexpectedly encountered during the activity, work must stop immediately, the area secured to prevent unauthorised access and NSW Police and Heritage NSW contacted.

If you have any questions regarding the above advice please contact Sarah Robertson, Archaeologist, Aboriginal Cultural Heritage Regulation, at Heritage NSW on (02) 6229 7088 or via email at Sarah.Robertson@environment.nsw.gov.au.

Yours sincerely



Jackie Taylor
Senior Team Leader
Aboriginal Cultural Heritage Regulation - South
Heritage NSW
11 August 2021