

Mr Gordon Clark
Strategic Planning Manager
Shoalhaven City Council

By email: gordon.clark@shoalhaven.nsw.gov.au

Response submitted via the NSW Concurrence and Referral Portal

Moss Vale Road North Urban Release Area, PP-2021-837

Dear Mr Clark

Thank you for the opportunity to comment on the planning proposal for the Moss Vale Road North Urban Release Area (URA) at Cambewarra (PP-2021-837) under the *Shoalhaven Local Environmental Plan (2014)*. We have prepared the following advice in relation to Aboriginal cultural heritage considerations under the *National Parks and Wildlife Act 1974*.

Heritage NSW provided previous advice in relation to Aboriginal cultural heritage matters under this planning proposal on 9 April 2021. It appears that no additional Aboriginal cultural heritage assessment has been undertaken as recommended in our previous comments. Our previous comments therefore remain relevant to the current consideration of the planning proposal.

While we acknowledge that the land has been subject to rezoning, it is necessary to consider potential Aboriginal cultural heritage impacts of development on this land. We reiterate our advice that early assessment provides the best opportunity to identify and protect Aboriginal cultural heritage values. It also provides certainty to all parties about any future Aboriginal cultural heritage management requirements. There is an opportunity for the matters raised in our previous comments to be addressed to inform the current planning proposal and future development.

The Aboriginal cultural heritage study prepared by NSW Archaeology Pty Ltd (dated 28 May 2018) recommended a detailed Aboriginal cultural heritage investigation be conducted, including test excavation. We continue to support implementing these recommendations and conducting test excavation at an early stage of project planning. There is a risk that without this information harm to Aboriginal cultural heritage values will not be able to be avoided during future works.

We provide the following recommendations for Council to consider in relation to the current referral:

- That Council map the identified areas of archaeological potential identified by NSW Archaeology Pty Ltd (2018) and overlay these with the current proposed layout. This should inform the risk of harm to potential subsurface archaeological deposits. As this potential has not yet been tested there remains a risk of harm to Aboriginal objects from future development on this land.
- Aboriginal community consultation needs to be conducted to inform the proposed future development of the land. We reiterate our previous comments in relation to the proximity to Cullunghutti and potential risk of impact to visual corridors. This impact can only be understood through consultation with the Aboriginal community.

- That provisions to ensure appropriate management of Aboriginal cultural heritage values are included should this planning proposal and associated Development Control Plan be approved. We recommend that adequate flexibility be included in any planning instruments to facilitate future protection or conservation of Aboriginal cultural heritage values given that detailed assessment has not to date occurred.
- Preparing a full Aboriginal cultural heritage assessment report in accordance with Heritage NSW guidelines, as previously recommended by Heritage NSW, would help address the above points.

Further information about preparing Aboriginal cultural heritage assessments, including processes for Aboriginal community consultation and test excavation, is available on our website: <https://www.heritage.nsw.gov.au/applications/aboriginal-objects-and-places/>.

If you have any questions about these comments please contact me by phone on 02 4224 4177 or via email at rose.osullivan@environment.nsw.gov.au.

Yours sincerely



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