

Mr. Peter Milles  
NEWCASTLE CITY COUNCIL  
0249742250  
[pmilles@ncc.nsw.gov.au](mailto:pmilles@ncc.nsw.gov.au)

**Advice on Planning Proposal to amend Newcastle Local Environmental Plan 2012 pertaining to land at 505 Minmi Road, Fletcher NSW 2287**

Dear Mr Milles,

Thank you for the opportunity to comment on the planning proposal for 505 Minmi Road, Fletcher NSW 2287, under the Newcastle Local Environmental Plan 2012 (LEP). We have reviewed the planning proposal and make the following comments:

**General Comments**

Before finalising the planning proposal, Council should be satisfied that all necessary heritage assessments have been undertaken and that any impacts have been sufficiently addressed. Council's assessment should include, but not be limited to a search of the State Heritage Inventory, and the Aboriginal Heritage Information Management System.

These databases are available on Heritage NSW's website at:  
[environment.nsw.gov.au/topics/heritage/search-heritage-databases](http://environment.nsw.gov.au/topics/heritage/search-heritage-databases).

**Aboriginal cultural heritage considerations under the *National Parks and Wildlife Act 1974***

Heritage NSW supports the conservation and protection of Aboriginal cultural heritage values. We note that an Aboriginal cultural heritage assessment report (ACHAR) has previously been completed to inform this planning proposal. However, given the time elapsed since completion of the ACHAR, Heritage NSW recommends that an updated ACHAR be completed. The ACHAR needs to include Aboriginal community consultation and archaeological test excavation and to be prepared in accordance with Heritage NSW guidelines that are available on our website: [environment.nsw.gov.au/topics/heritage/apply-for-heritage-approvals-and-permits/aboriginal-objects-and-places](http://environment.nsw.gov.au/topics/heritage/apply-for-heritage-approvals-and-permits/aboriginal-objects-and-places).

The outcomes of the updated ACHAR need to inform the planning proposal. As significant Aboriginal cultural heritage values have been previously identified in the planning proposal area and immediately adjoining, then options to avoid impact to these values need to be explored. If impact cannot be avoided or if the values have been assessed as moderate, appropriate mitigation measures should be negotiated with the registered Aboriginal parties.

We recommend the planning proposal also consider impacts to the Aboriginal cultural landscape, including potential impacts on visual corridors. These potential impacts can only be understood through consultation with the Aboriginal community. Measures to limit any impacts to identified Aboriginal cultural landscape values should be developed and integrated into the planning proposal. We note that the current proposal includes provision for environmental conservation, and it is anticipated that conservation of Aboriginal cultural values will be incorporated into this area.

If the planning proposal is approved and future development proceeds, the proponent will need to consider the Aboriginal cultural heritage impacts within their environmental assessments. Where harm to Aboriginal objects cannot be avoided the proponent is required to obtain an Aboriginal Heritage Impact Permit (AHIP) before proceeding.

**State heritage and historical archaeological considerations under the *Heritage Act 1977***

Based on the information provided, it is understood that there are no SHR listed places located within the subject area.

In relation to historic archaeology, if the proponent has not already undertaken their own investigation to assess the likelihood of 'relics' and any subsequent management required under the *Heritage Act 1977*, they should do so.

If you have any questions about the advice above, please contact:

- Lara Goldstein in relation to environmental heritage matters by phone on (02) 9895 6408 or by email at [lara.goldstein@environment.nsw.gov.au](mailto:lara.goldstein@environment.nsw.gov.au)
- Nicola Roche in relation to Aboriginal cultural heritage matters by phone on 0400 133 251 or by email at [nicola.roche@environment.nsw.gov.au](mailto:nicola.roche@environment.nsw.gov.au)

Yours sincerely



**Nicole Davis**

Manager Assessments

Heritage NSW

Department of Planning and Environment

(As Delegate under *National Parks and Wildlife Act 1974*)

6 February 2023