

Our ref: DOC24/72786

Your ref: PP - 2673

Ms Elizabeth Schindler

BEGA VALLEY SHIRE COUNCIL

ZINGEL PLACE BEGA 2550

eschindler@begavalley.nsw.gov.au

Subject: 43 Red Gum Road, Yellow Pinch

Ms Schindler

Thank you for the opportunity to comment on the planning proposal for 43 Red Gum Road, Yellow Pinch under *Bega Valley LEP 2013*.

We have reviewed the planning proposal and make the following comments:

We advise Council that an assessment under the 2010 *Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW* is not considered an archaeological assessment or substitute for a comprehensive Aboriginal cultural heritage assessment report. The due diligence process does not adequately assess the impacts of this planning proposal on Aboriginal cultural heritage as required by Ministerial Direction 2.3. This is because without Aboriginal community consultation the extent of the impacts on Aboriginal objects and heritage values through the planning proposal and future development is not known.

An Aboriginal cultural heritage assessment and consultation with the Aboriginal community, needs to occur early in the planning process to identify Aboriginal cultural heritage values that may occur within the proposal area and establish how this may constrain future development.

Heritage NSW recommends that a comprehensive Aboriginal cultural heritage assessment is needed and should inform this planning proposal. 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.

The requirement for a full assessment to be prepared at the planning proposal stage is consistent with Clause 5.10.8 of the Bega Valley LEP 2013. It is important that any management, mitigation and conservation mechanisms are developed at the planning proposal stage to help mitigate the cumulative impact of development in this region on Aboriginal cultural heritage.

General Comments

Prior to finalisation of the 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 (<https://www.heritage.nsw.gov.au/search-for-heritage/search-for-nsw-heritage/>) and the Aboriginal Heritage Information Management System (<https://www.heritage.nsw.gov.au/protecting-our-heritage/record-aboriginal-sites/>).

If you have any questions, please contact Heritage NSW at heritagemailbox@environment.nsw.gov.au or on 9873 8500.

Yours sincerely

Nicole Davis

Nicole Davis

Manager Assessments

Heritage NSW

Department of Climate Change, Energy, the Environment and Water

As Delegate under National Parks and Wildlife Act 1974

1 February 2024