

Our ref: DOC24/731600

Your ref: PP- 2023-2323

Adam Kennedy, Senior Strategic Planner,

Maitland City Council, 263 High Street,

Maitland, NSW 2320

Email: adam.kennedy@maitland.nsw.gov.au

Subject: PP-2023-2323 at 107 Haussman Drive, Thornton, Maitland

Dear Mr Kennedy,

Thank you for the opportunity to comment on the planning proposal for 107 Haussman Drive, Thornton, Maitland. We note that the proposal is for upzoning of the rural site from RU2 Rural Landscape to R1 General Residential and C3 Conservation Management and associated decrease in lot sizes from 40ha to 450sqm and partial 40ha (C3 zoned area of the site) under the Maitland LEP 2011. This site is identified for investigation for housing in the Maitland Housing Strategy 2041 (reference IA-1) and as an Urban Release Area under the Maitland LEP 2011.

It is noted that Gateway Determination requiring consultation with Heritage NSW and other Agencies under section 3.34(2)(d) of the *Environmental Planning & Assessment Act 1979* was issued on 4 May 2024. We have reviewed the information provided with the planning proposal and prepared the following comments for your consideration.

State and local heritage considerations under the *Heritage Act 1977*

Based on the information provided, we have reviewed the planning proposal against our records and do not believe that there are any identified impacts on items listed on the State Heritage Register.

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.

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

An Aboriginal cultural heritage due diligence assessment prepared by 'Heritage Now' dated 2 October 2020 has been provided with the referral.

Heritage NSW does not have a role in reviewing or endorsing due diligence assessments, however, 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.

We note that the due diligence assessment has identified Aboriginal objects within the proposed development area. We therefore recommend that a full Aboriginal cultural heritage assessment report including Aboriginal community consultation and archaeological assessment is prepared to inform the planning proposal. Further information about preparing an Aboriginal cultural heritage assessment is available on our [website](#).

The recommendation to prepare a full Aboriginal cultural heritage assessment report to be prepared at the planning proposal stage is consistent with Direction 19 of the Hunter Regional Plan 2041 and Local Planning Direction 2.3, Heritage Conservation, that requires planning proposals to address the conservation of Aboriginal objects. 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.

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 would be required to obtain an Aboriginal Heritage Impact Permit (AHIP) before proceeding. Further information is available in the guide, [*Applying for and Aboriginal Heritage Impact Permit: Guide for applicants*](#).

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 Nancy Sample at nancy.sample@environment.nsw.gov.au or on (02) 8275 1521.

Yours sincerely



Rose O'Sullivan,
Practice Lead Planning Referrals and Advice
Heritage NSW
11 September 2024