

Our ref: DOC24/748341

Your ref: REF-3134

David Kiernan
Senior Strategic Planner
Goulburn Mulwaree Council
david.kiernan@goulburn.nsw.gov.au

Planning Proposal – Mountain Ash Road, Gundry

Dear David

Thank you for the opportunity to provide advice on the planning proposal to make amendments to *Goulburn Mulwaree Local Environmental Plan 2009* (LEP) as it applies to the following lots, located at 274 Mountain Ash Road, Gundry:

- Lot 1 DP 779194
- Lot 103 DP 70346
- Lot 1 DP 853498
- Lots 104, 105 and 106 DP 126140
- Lots 1, 2 and 3 DP 835278
- Lot 1 DP 731427, and
- Lots 22, 23 and 24 DP 811954.

We understand that the planning proposal intends to amend the LEP by rezoning the subject site, from RU1 Primary Production to:

- part R5 Large Lot Residential (with a minimum lot size of 2ha), and
- part C2 Environmental Conservation (with no minimum lot size).

We have reviewed the proposal and supporting documentation and provide the following comments.

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

We note that an Aboriginal cultural heritage assessment report (ACHAR), conducted in accordance with relevant Heritage NSW guidelines, has been prepared to inform the planning proposal.

We note that the ACHAR identified:

- no Aboriginal objects or places during the archaeological survey due to the high level of vegetation cover across the entire project area ground surface, and
- one area of PAD which has moderate potential to contain archaeological material in the top 100 mm of sediments was identified during the survey (PAD1).

The ACHAR recommends that if ground disturbance cannot be avoided within the identified PAD, then further archaeological investigation, in the form of archaeological test excavation will be required. We support this approach is supported.

The ACHAR also recommends that if any Aboriginal objects are identified during any stage of the proposed works, work must cease in the immediate area, until the objects can be assessed by an archaeologist. If the finds are assessed to be Aboriginal objects, then notification to Heritage NSW must be undertaken. This approach is supported.

Local heritage considerations under the *Environmental Planning and Assessment Act 1979*

We note that a Statement of Heritage Impact (SOHI), conducted in accordance with Heritage NSW guidelines, has been prepared to inform the following Local heritage items are located close to the subject site:

- 'Wyoming', Dwelling (I007)
- 'Homeden', Dwelling (I014), and
- 'Irriwilbin', Homestead (c1860) (I498).

We note that SOHI identifies that there is an error in the State Heritage Inventory listing for 'Wyoming', which is listed as I006. We recommend that Council investigate this error and take steps to rectify it.

As local heritage is protected under the *Environmental Planning and Assessment Act 1979* and under Council LEPs, Council is the consent authority and as such the assessment and consideration of impacts on these local heritage items rests with Council.

If you have any questions, please contact me by email at james.rm.sellwood@environment.nsw.gov.au or by phone on 02 9274 6354.

Yours sincerely



James Sellwood

A/Practice Lead, Planning Referrals and Advice

Heritage NSW

Department of Climate Change, Energy, the Environment and Water

11 October 2024