

Our ref: DOC24/772180-13

Your ref: REF-3168

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Planning Proposal – 129 Marys Mount Road and 110-118 Middle Arm Road, Goulburn

Dear Kate

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 129 Marys Mount Road and 110-118 Middle Arm Road, Goulburn.

We understand that the planning proposal intends to amend the LEP by rezoning the subject site, which is within the Middle Arm precinct of Council's Urban and Fringe Housing Strategy, from RU6 Transition to:

- part R2 Low Density Residential, with a minimum lot size of 700sqm, 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) has been prepared to inform the planning proposal.

The Aboriginal community consultation process needs to be reviewed

The ACHAR states that the survey was completed prior to the completion of the Registered Aboriginal Parties (RAP) being consulted about the methodology and prior to the start of stage 3 of the consultation requirements. The proposed methodology was sent to all RAPs for comment on the 19 August 2022 with a closing date for comments of 6 September 2022. However, the report states that the survey was conducted on the 15 August.

We are concerned that this did not provide adequate opportunity for the RAPs to have input to the assessment methodology as required under the National Parks and Wildlife Regulation 2019. We recommend that the ACHAR is revised to:

- demonstrate how consultation has been completed to the stage described in subclause 80C(6) of the National Parks and Wildlife Regulation 2019 and comply with Requirement 15(a) of the Code of Practice for Archaeological investigation of Aboriginal objects in NSW, and
- include copies of all correspondences in relation to the consultation requirements.

Update Aboriginal Heritage Information Management System records

A review of the site cards associated with Aboriginal Heritage Information Management System (AHIMS) sites 51-6-0825 and 51-6-0826 indicates that the objects associated with these sites may have been removed during prior testing conducted by NGH Environmental.

We recommend that the consultant contact the previous consultant to clarify the location of these objects. The AHIMS site cards for sites 51-6-0807, 51-6-825 and 51-6-0826 need to be updated as soon as possible, as required under the *National Parks and Wildlife Act 1974*. Should the proposed rezoning proceed, we recommend that all AHIMS sites locations must be marked on maps during construction as no go areas unless an Aboriginal heritage impact permit has been issued.

Please also note that the planning proposal references both preparing an Aboriginal cultural heritage assessment report (section 4.1.4.) and a due diligence report (section 6). These are different levels of assessment.

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

We note that the following Local heritage items are located close to the subject site:

- Former entry to “Ravensworth” — planted avenue and entry gates (I448), and
- St Patrick’s Cemetery and Chapel Significance (I455).

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 Paul Houston, Senior Aboriginal Assessment Officer by email at paul.houston@environment.nsw.gov.au or by phone on 02 6883 5361.

Yours sincerely



James Selwood

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Heritage NSW

Department of Climate Change, Energy, the Environment and Water

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