

Our ref: HMS ID 10914

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Advice on Response to Submission – State Significant Development

Proposal: Huntlee Arcare Seniors Housing

Major Project reference: SSD-49283708

Received: 25 June 2025

Dear Judith,

Thank you for your referral seeking advice for the above State Significant Development Response to Submissions. Thank you for the continued opportunity to comment on the project.

In preparing the current advice, Heritage NSW has reviewed the following documents:

- Relevant sections of the Submissions Report: Huntlee Arcare Seniors Housing – prepared by DFP Planning, dated 25 June 2025
- Appendix E: Response letter from Niche Environment and Heritage regarding the Aboriginal Cultural Heritage Assessment, dated 24 June 2025

Our previous advice on the Environmental Impact Statement (EIS) requested additional information to inform our advice to the department regarding the adequacy of the assessment completed in relation to Aboriginal cultural heritage (our reference: HMS 8892). Specifically, Heritage NSW requested additional information relating to the Aboriginal community consultation process, consideration of potential archaeological deposits (PADs) and test excavations, clarification regarding proposed works and clarification regarding management of Aboriginal site '7619_AS' (AHIMS ID #37-6-4336).

The responses and additional information provided by Niche Environment and Heritage Pty Ltd (Niche) have largely addressed comments provided by Heritage NSW on Aboriginal cultural heritage matters related to the above State Significant Development, however, we recommend that Planning request further information from the applicant in relation to the following two outstanding matters prior to considering project approval.

Further information regarding matter #5 – Consideration of potential archaeological deposits (PADs) and test excavations

While Heritage NSW acknowledges the response provided by Niche in relation to matter #5, the discrepancy remains that several sections of the ACHAR indicate that archaeological test excavations were required/recommended. Section 8.3 (Mitigating harm), for example, states that *"Considering the archaeological sensitivity of the area, archaeological test excavation and salvage programs as a management option is justified to mitigate potential impacts to the research value"* (Pg.33) while Section 8.4 (Consideration of ecological sustainable development) states that *"One of the mitigation and management options proposed includes test excavation and salvage which would further establish scientific knowledge of the subject"* (Pg.36). We therefore request additional information to clarify this outstanding discrepancy.

Further information regarding matter #7 – Management of Aboriginal site '7619_AS' (AHIMS ID #37-6-4336)

As mentioned in our previous response, Heritage NSW understands that consistent with Condition D9(a) of the Project approval for MP10_0137 (as modified), the Huntlee ACHMP (2019) allows for management of previously unidentified Aboriginal objects within the ACHMP-area where impacts cannot be avoided. We note that Section 4 of the approved Huntlee ACHMP (2019) relates to 'Procedures for new sites' and states *"See Flowcharts 1 and 2 (Appendix 1)."* This indicates that management of unexpected finds, such as Aboriginal site '7619_AS' (AHIMS ID #37-6-4336), must follow Procedure 1 and Procedure 2, not just Procedure 1 as indicated in the Niche response letter. Further we note that in accordance with Condition of Approval D9, and as per Procedure 2, following the identification and management of unexpected Aboriginal finds, works may only recommence following endorsement from the Office of Environment and Heritage (OEH; now Heritage NSW).

We therefore reiterate our request that the applicant please provide evidence that written notification/endorsement was received from Heritage NSW (referred to as OEH in the ACHMP) to allow for works to recommence in accordance with Procedure 2 in the approved Huntlee ACHMP (2019) and Condition of Approval D9. Where this has not occurred, this may constitute a breach of the ACHMP and Conditions of Approval and require notification submission to Department of Planning, Housing and Infrastructure (DPHI) compliance.

Please note that the comments provided relate only to Aboriginal cultural heritage regulation matters. If you have any questions about this correspondence, please contact Marika Low, Senior Assessments Officer at Heritage NSW on (02) 9873 8500 or heritagemailbox@environment.nsw.gov.au

Yours sincerely,

Alison Lamond

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