



Office of
Environment
& Heritage

Your reference: DA 172-7-2005
Our reference: DOC14/263570
Contact: Jackie Taylor 6229 7089

Thomas Piovesan
Planning Officer
Department of Planning and Environment
GPO BOX 39
Sydney NSW 2001

Dear Mr Piovesan

Re: Section 75W application for modifications to Bay Ridge Estate - DA 172-7-2005

I refer to our telephone conversation last week regarding the submission of the draft *Bay Ridge Subdivision: Archaeological Site Assessment* report (dated September 2014) prepared by Navin Officer Heritage Consultants as part of CIC Australia's response to submissions for the Bay Ridge Estate Project modification, DA 172-7-2005.

Since our conversation, OEH has received additional information in relation to confirmation of the locations of Aboriginal sites recorded within the Bay Ridge Estate project area as well as a copy of the final *Bay Ridge Subdivision: Archaeological Site Assessment* report (dated October 2014) prepared by Navin Officer Heritage Consultants outlining the current conditions of recorded Aboriginal sites.

OEH has now reviewed all the information provided, including the submission of Aboriginal Site Impact Recording Forms on 8 October 2014, and is satisfied that the conditions of the Section 90 Consent to Destroy #2099 have been met in relation to the reporting requirements for construction works undertaken to date.

OEH endorses the recommendations in the final *Bay Ridge Subdivision: Archaeological Site Assessment* report (dated October 2014) whereby:

- Potential Archaeological Deposits (PADs) and portions of PADs which have been destroyed by previous construction works are no longer classified as PAD;
- Impacts to these areas, authorised under the Consent #2099, have resulted in the destruction of any intact deposit that might have contained archaeological material. Consequently, these areas do not require any further cultural heritage management actions;
- A new Aboriginal Heritage Impact Permit (AHIP) is therefore not required for future works on any Aboriginal sites or areas which were previously classified as PAD, but which are now assessed as having been destroyed. Specifically, the impacts resulting from previous subdivision construction works carried out are as follows:
 - a) One site (KPH1) has been partially destroyed.
 - b) Four sites (KPH2, KPH3, KPH4 and KPH5) are assessed as being intact.
 - c) One PAD (PAD2) has been completely destroyed.

- d) Six PADs (PAD1, PAD3, PAD4, PAD5, PAD6 and PAD7) have been partially destroyed.
- Any future proposed works in the Bay Ridge subdivision project which are anticipated to impact intact areas of Aboriginal sites and PADs will require a new AHIP to be issued prior to impacts.

On the basis of the above assessment and recommendations OEH advises that, provided the current construction activities proposed for Stage 2B are restricted to the already destroyed portions of the recorded Aboriginal sites, an AHIP is not required at this stage. Please note: despite the previous disturbance history; if any potential Aboriginal skeletal remains is uncovered during the development works then works must stop immediately and both the OEH and NSW Police contacted for advice.

Any future construction activities will require a new AHIP if they are to impact areas of Aboriginal sites and PADs that are currently intact. OEH recommends that the Proponent considers applying for a development area based AHIP which should include all future stages of development.

OEH notes CIC Australia's previous commitment to contact OEH if any new Aboriginal objects are found during construction as required by Condition 4.11 of the original Development Application No.172-7-2005 as follows.

Additionally, OEH reminds the Proponent that the following Director-General's Requirements must still be fulfilled in relation to:

4.12 Batemans Bay Local Aboriginal Land Council

A representative of the Batemans Bay Local Aboriginal Land Council shall be on-site during any excavation and/or roadworks to monitor if any items of Aboriginal cultural heritage are unearthed.

4.13 Disturbance of Known Aboriginal Sites

Disturbance of Aboriginal sites identified in the '*Archaeological Survey*' prepared by Archaeological Heritage Surveys dated October 2002 and June 2004 should be avoided where possible. Aboriginal sites not impacted by the subdivision are to be left undisturbed, including KPH 5.

On the basis of the recent information provided regarding confirmation of the locations of Aboriginal sites recorded within the Bay Ridge Estate project area OEH will also ensure the Aboriginal Heritage Information Management System (AHIMS) is updated to reflect the corrected locations of Aboriginal sites.

Should you require any additional assistance or wish to discuss these matters further please contact me on (02) 6229 7089.

Yours sincerely



JACKIE TAYLOR
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Regional Operations Group
Office of Environment & Heritage