



DOC19/420687-9
SSD 9787

Megan Fu
Principal Planning Officer
Department of Planning & Environment
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Dear Megan

Nihon University Newcastle Campus, 9 Church Street, Newcastle (SSD 9787) - Notice of Exhibition

I refer to your letter dated 20 May 2019 seeking agency comment on the Nihon University Newcastle Campus.

Office of Environment and Heritage (OEH) has reviewed the modification in relation to Aboriginal cultural heritage and flooding issues. OEH notes that a biodiversity development assessment report waiver was issued for the project on 26 February 2019.

OEH's recommendations are provided in **Attachment A** and detailed comments are provided in **Attachment B**. If you require any further information regarding this matter, please contact Brendan Mee, Senior Conservation Planning Officer, on 4904 2730 or via email at rog.hcc@environment.nsw.gov.au.

Yours sincerely

13 June 2019

STEVEN COX
Senior Team Leader Planning
Hunter Central Coast Branch
Conservation and Regional Delivery Division

Contact officer: BRENDAN MEE
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Enclosure: Attachments A and B

Attachment A

OEH's recommendations

Nihon University Newcastle Campus

1. OEH recommends that an Aboriginal cultural heritage assessment report be prepared in accordance with the Secretary's Environmental Assessment Requirements for the project.
2. OEH has no comment on flooding issues.

OEH's detailed comments

Nihon University Newcastle Campus

Aboriginal cultural heritage

1. The Aboriginal cultural heritage assessment is incomplete

OEH has reviewed the documentation with respect to Aboriginal cultural heritage, including the EIS and the supplied documentation does not satisfy the Secretary's Environmental Assessment Requirements (SEARs) issued on 21 December 2018.

The SEARs require that an Aboriginal cultural heritage assessment report (ACHAR) must be undertaken, in accordance with the *Code of Practice for Archaeological Investigations of Aboriginal Objects in NSW* (DECCW 2010) (the Code), *Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage in NSW* (DECCW 2011) (the Guide) and *Aboriginal Cultural Heritage Consultation Requirements for Proponents in NSW* (DECCW 2010) (the Consultation Requirements).

The applicant has supplied a due diligence Aboriginal archaeological assessment prepared by AMAC Streat Archaeological Services (March 2019). However, a due diligence assessment does not satisfy the requirement for an ACHAR as required by the SEARs.

OEH is unable to comment on the assessment of Aboriginal cultural heritage based on the information supplied. OEH recommends that an ACHAR be prepared for the project in accordance with the SEARs.

Recommendation 1

OEH recommends that an Aboriginal cultural heritage assessment report be prepared in accordance with the Secretary's Environmental Assessment Requirements for the project.

Flooding and flood risk

2. OEH is satisfied that there are no flooding or flood risk issues in relation to this project

OEH has reviewed the Environmental Impact Statement (Proposed 'Nihon University' EIS, City Plan, May 2019) and is satisfied that there are no flooding or flood risk issues in relation to this project.

Recommendation 2

OEH has no comment on flooding issues.