



Office of
Environment
& Heritage

DOC17/567140
SSD 7684

Ms Amy Watson
Team Leader Key Sites Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Watson

Exhibition SSD 7684 – Amended Concept proposal for the redevelopment of Cockle Bay Wharf

I refer to your letter received by the Office of Environment and Heritage (OEH) on 14 November 2017, inviting OEH to provide comments on an amended concept proposal for the redevelopment of Cockle Bay Wharf during public exhibition.

OEH has reviewed the amended proposal and provides the following comments.

Aboriginal Cultural Heritage

As DPE is aware, in its submission dated 9 February 2017, OEH advised:

"OEH notes that the applicant has undertaken Aboriginal Heritage Due Diligence Report. DPE is advised that OEH does not review or comment on due diligence reports. Due diligence is a legal defence against harm under the National Parks and Wildlife Act 1974 and is not a substitute for undertaking an Aboriginal cultural heritage assessment. OEH does not consider that a due diligence report is adequate to assess the impacts of the development on the Aboriginal archaeological and cultural heritage values of the subject land. OEH therefore recommends that Aboriginal cultural heritage assessment be undertaken".

OEH's review of the amended Environmental Impact Statement has revealed that the applicant has again submitted an Aboriginal Heritage Due Diligence Report. As previously advised, OEH does not review or comment on due diligence reports and does not consider that a due diligence report is adequate to assess the impacts of the development on the Aboriginal archaeological and cultural heritage values of the subject land. OEH's previous comments therefore remain relevant to the amended application.

If you have any further questions about this issue please contact Marnie Stewart on 9995 6868 or marnie.stewart@environment.nsw.gov.au.

Yours sincerely

S. Harrison 24/11/17

SUSAN HARRISON
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